

URBAN/MUNICIPAL

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1997

AGENDA
COUNCIL OF THE CORPORATION
OF THE CITY OF HAMILTON

OCT. 14, 1997 ...

URBAN/MUNICIPAL
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1997



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**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1997 October 14
7:30 o'clock p.m.
Council Chambers, City Hall**

J. J. Schatz, City Clerk

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer:** Rev. Father David Wilhelm
Cathedral Christ the King
- 3. Presentation:** Donald Shaw to present pictures of
Hamilton's Peregrin Falcons
- 4. Adoption of the minutes of the meeting held 1997 September 30.**
- 5. Presentation of petitions and correspondence by the Clerk.**
- 6. Reference of Correspondence\Petitions by the Mayor.**
- 7. Motion to move into Committee of the Whole on the Reports.**
- 8. Consideration of Standing Committee Reports:**
 - (a) Transport and Environment Committee
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
 - (e) Committee of the Whole
- 9. Motion to Adopt the Report of the Committee of the Whole.**
- 10. Notices of Motion from previous meetings - Alderman M. Kiss
- Alderman V. Agro
- Mayor R. M. Morrow**
- 11. Notices of Motion for next meeting.**
- 12. Question Period.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 September 30
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

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The National Anthem was played.

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One minute of silence was observed in memory of Diana, Princess of Wales.

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Rev. Alex Gyamera of the Church of Pentecost led Council in prayer.

<p>PRESENTATION</p>

Mayor R. M. Morrow presented a Certificate of Recognition to Bill Newman of Bill Newman's Men's Shop, King Street East, for 70 years of business.

* * * * *

Mayor R. M. Morrow presented badges to the following members of the Hamilton Veterans Committee:

Frank Caldwell, Chairman
Jack McFarland, Vice-Chairman
Bill Eisan
Lloyd Shephard
Tom Dean
Alderman William McCulloch

ADOPTION OF MINUTES

The minutes of the regular meeting held 1997 August 26 were adopted as amended.

CORRESPONDENCE

1. Letter dated 1997 September 5 from P. J. Dillon, Chairman, Laurel Wilson, Commissioner, and Brian Hinkley, Commissioner, Hamilton Harbour Commissioners, RE: 1996 Annual Report.

Referred to the Finance and Administration Committee.

2. Application dated 1997 September 24 from 1186559 Ontario Inc., (Mr. Hai Chan Wah, 35 Brant Street, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified and "R-4" (Small Lot Single Family Detached) District modified for 21 Brantdale Avenue, Hamilton, Ontario.

Received.

3. Application dated 1997 September 24 from Altco Trading International Incorporated, 6 Macauley Street East, Hamilton, Ontario, for a change in zoning from "D" (Urban Protected Residential - One and Two Family, Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District for 520 James Street North, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT

Section 1 Re: Sale of Closed Unassumed Alley Between Thayer Avenue and Queensdale Avenue, West of East 16th Street

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 1 of the Tenth Report of the Transport and Environment Committee for 1997 be deleted in its entirety and replaced with the following recommendation:

1. (a) That the Commissioner of Transportation be directed to prepare a by-law for the sale of the closed unassumed alley, 1st west of East 16th Street between Thayer Avenue and Queensdale Avenue to the abutting owners; and,
- (b) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

CARRIED.

* * * * *

Section 54 Re: Road Allowance Width - Walnut Street from King Street to King William Street

It was moved by Alderman Merling and seconded by Alderman Charters that the Transport and Environment Committee's Tenth Report for 1997 be amended by deleting Section 54 in its entirety and replaced as follows:

54. (a) That notwithstanding the minimum designated width of 15m for all streets, the designated road allowance width for Walnut Street from King Street to King William Street shall be 12.9m; and,
- (b) That the lands shown as Part 5 on Reg. Plan 62-R-14190 not be incorporated into the Walnut Street road allowance.

CARRIED.

* * * * *

Rule No. 9 Re: Two-hour Parking - Catharine Street from Main to King William Streets

It was moved by Alderman McCulloch and seconded by Alderman Agro that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a change in the existing parking meters on Catharine Street from Main to King William Streets from 1 hour to 2 hours in duration.

CARRIED.

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Section 59 Re: Two-hour Parking - Catharine Street from Main to King William Streets

It was moved by Alderman McCulloch and seconded by Alderman Agro that the Tenth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 59:

59. (a) That in accordance with the request of the Downtown B.I.A., the existing parking meters on Catharine Street from Main to King William Streets (total of 16 meters) be changed from 1 hour to 2 hours in duration; and,
- (b) That the City Traffic By-law No. 89-72 be amended accordingly; and,
- (c) That Bill A-71, A By-law to Amend By-law No. 89-72 to Regulate Traffic be adopted, signed, sealed and enrolled as a By-law.

CARRIED.

* * * * *

Rule No. 9 Re: Rental of Garbage Packer

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the rental of a garbage packer to the Town of Dundas for approximately 3 weeks.

CARRIED.

* * * * *

Section 60 Re: Rental of Garbage Packer

It was moved by Alderman Merling and seconded by Alderman Anderson that the Tenth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 60:

60. (a) That the Commissioner of Public Works and Traffic be authorized to lease one garbage packer to the town of Dundas for a term of approximately 3 weeks; and,
- (b) That the Mayor and City Clerk be authorized to sign an agreement satisfactory to the City Solicitor between the City of Hamilton and Town of Dundas concerning the short-term lease of one garbage packer. **CARRIED.**

* * * * *

Rule No. 9 Re: Construction of Sirente Drive

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the construction of Sirente Drive.

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Section 61 Re: Construction of Sirente Drive

It was moved by Alderman Merling and seconded by Alderman Anderson that the Tenth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 61:

61. (a) That the Commissioner of Transportation be authorized and directed to prepare a reference plan showing the extension of Sirente Drive from Upper Wellington Street easterly to the existing limit of Sirente Drive at Cyprus Drive for the purpose of transferring the necessary lands to the City for the roadway; and,
- (b) That the City accept the lands for Sirente Drive as will be shown on a reference plan described in Sub-Section (a) above, which lands will be dedicated to the City from Mr. Marvin Wasserman, by deed for \$ 1; and,
- (c) That the City accept a triangular parcel of land, which parcel will be shown on the reference plan described in Sub-Section (a) above, for the purpose of transferring lands outside the road allowance to an adjacent land owner on the south side of Sirente Drive (Red-D-Mix lands) in accordance with the draft plan conditions for "Rose Gardens" subdivision, approved by City Council on 1990 April 10 in adopting Section 19 of the EIGHTH report of the Planning and Development Committee for 1990; and,

- (d) That upon acquisition of the lands for Sirente Drive, the City Solicitor be authorized and directed to prepare a by-law for the establishment of Sirente Drive as a public highway, excepting a 1' (0.30 metre) reserve which will be established along both sides of Sirente Drive, except the portion adjacent to the City's neighbourhood park; and,
 - (e) That the Commissioner of Transportation be authorized and directed to call tenders and undertake construction of a base course roadway, including installation of dual private drain connections, water service connections, catch basins with connections, hydro vault drains and street lighting; and,
 - (f) That the cost to construct the base course road and associated works described in Item e) above, including all applicable overhead costs, estimated at \$ 200,000 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
- CARRIED.**

PARKS AND RECREATION COMMITTEE - NINTH REPORT

Section 2 Re: Hamilton Tiger Cat Football Club Pre-Game Party

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 2 Re: Carpenter Neighbourhood Plan

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 2 of the Fourteenth Report of the Planning and Development Committee be referred back.

CARRIED.

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Section 11 Re: Community Heritage Trust Fund Program Loan - 141 St. Clair Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

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Rule No. 9 Re: Stinson Neighbourhood - Residential Care Facilities

It was moved by Alderman Agro and seconded by Alderman McCulloch that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order that consideration be given to a resolution respecting residential care facilities in the Stinson Neighbourhood.

CARRIED.

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Section 26 Re: Stinson Neighbourhood - Residential Care Facilities

It was moved by Alderman Agro and seconded by Alderman McCulloch that the following be added as Item 26 of the Planning and Development Committee's Fourteenth Report for 1997:

26. Whereas there are approximately twenty-five residential care facilities currently located within the Stinson Neighbourhood, many of which are legal non-conforming uses, having been established prior to the existing zoning by-law; and,

Whereas there would only be about six such facilities in Stinson if the required distance separation of 180 m. was strictly adhered to, the entire neighbourhood is saturated with such uses, except for a small area near the south-east corner of Stinson; and,

Whereas the number and concentration of such care facilities is a concern to residents in the Stinson Neighbourhood;

Therefore be it resolved that a zoning by-law amendment be undertaken to prohibit residential care facilities in the portion of the Stinson Neighbourhood in which they are presently permitted, namely lands in the vicinity of Alanson Street and the south end of Erie Avenue, and that the various Departments of City Hall be particularly sensitive to this matter and that the rules and regulations pertaining to "non-confirming uses" in the Stinson Neighbourhood be strictly adhered to.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - TWENTIETH REPORT

Section 6 Re: Question on Municipal Election Ballot re Model Tobacco Control By-law

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Copps, Wilson, Collins, Charters, Jackson, Anderson, -9.

NAYS: Aldermen Agro, McCulloch, Drury, Morelli, Eisenberger, Merling, D'Amico, Ross. -8. **CARRIED.**

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Section 16 Re: FCM Municipal Telecommunications Access Agreement

Alderman D. Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter as both he and his wife are employees of Bell Canada.

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Section 17 Re: Hosting of Dinner Reception - 1997 Ontario Universities Athletic Association-Golf Tournament

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 18 Re: Hosting of Dinner Reception - Community Policing and Aboriginal Justice Symposium

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 19 Re: Hosting of Dinner Reception - Dignitaries from Abruzzo Region of Italy

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

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Rule No. 9 Re: Grant to Second Stage Housing

It was moved by Alderman Ross and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a grant to Second Stage Housing.

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Section 34 Re: Grant to Second Stage Housing

It was moved by Alderman Ross and seconded by Alderman Copps that the Twentieth Report of the Finance and Administration Committee for 1997 be amended by adding the following as Section 34:

34. That a grant be approved in the amount of \$717.62 to Second Stage Housing which provides housing accommodation to battered women, this amount representing the total surplus remaining in Alderman Ross's 1994 Aldermanic Campaign which was deposited with the City Treasurer pursuant to the Municipal Elections Act and which cannot be returned to Alderman Ross as he is not seeking re-election. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Agro that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

NOTICE OF MOTION

Re: Quebec Separation
Motion put June 11, 1997
Postponed June 24, 1997
Postponed July 8, 1997
Postponed August 26, 1997
Approved September 30, 1997

It was moved by Alderman Ross and seconded by Alderman D'Amico:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved **THAT** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations. **CARRIED.**

NOTICE OF MOTION

Mayor R. Morrow gave notice that he would move at the next regular meeting of City Council the following:

That the City of Hamilton and the Regional Municipality of Hamilton-Wentworth jointly hire a Downtown Development Co-ordinator, on a contract basis, to bring development to the downtown, co-ordinate projects already in existence, and work with all parties concerned.

ACTING MAYOR FOR THE MONTH OF OCTOBER, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman Jackson be appointed Acting Mayor for the month of October, 1997. **CARRIED.**

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City Council then adjourned at 8:40 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 September 30
JJS/bc

C O R R E S P O N D E N C E

Correspondence:

1. Letter dated 1997 September 14 from Mrs. Betty Bechtel re Conflict of Interest.

Recommendation:

Be Received.

2. Application dated 1997 October 9 from Rosland Properties Inc. 226 South Service Rd. E., Oakville, Ontario, for removal of the 'H' Holding Provision for lands located at 1468-1520 Upper James Street, Hamilton, Ontario.

Recommendation:

Be Received.

9 SANDERS BL
HAMILTON ONT
L8S 3H7
SEPT 14th 1997

TO Mayor MR R. Narraw & City Aldermen
Hamilton City Hall

Received
Sept. 19/97

per MR J. Schatz City Clerk.

Dear Mr. Narraw & City Aldermen

Until the court cases, initiated by Mr. Mark Cole against City Aldermen, are settled, it would appear to be a conflict of interest for the City of Hamilton to be conducting business with Mr. Cole.

Similarly, if the individual Aldermen named in the lawsuits by Mr. Cole, were to abstain from voting on issues presented by Mr. Cole, then the constituent majority, would not be accorded full & fair representation by the Aldermen. I would object to being under-represented.

Mr. Cole was previously denied a demolition permit for 30 Norfolk North - by the democratic process.

I would strongly urge the Aldermen to uphold the decisions made & the wishes of the majority.

Yours sincerely

(dus) Betty Bechtel

Mr. & Mrs. James Bechtel
9 Sanders Blvd.
Hamilton, Ontario
L8S 3H7

**TRANSPORT & ENVIRONMENT
COMMITTEE**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1997 and respectfully recommends:

1. (a) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell the public walkway located between Nos. 37 and 41 Glenvale Avenue; and,

 (b) That the applicant prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,

 (c) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act; and,

 (d) That the Manager of Real Estate Division City Clerk's Department be authorized to proceed with the disposition of the subject lands to the abutting owners; and,

 (e) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.
2. That the existing "Permit Parking" regulation on the east side of Catharine Street North commencing at a point 166 feet north of Macauley Street East and extending to a point 27 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "No Stopping, Wheelchair Loading Zone, 9:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the east side of Kinrade Avenue commencing at a point 157 feet south of Barton Street East and extending to a point 30 feet southerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

4. (a) That a "Permit Parking" regulation be implemented on the south side of Francis Street commencing at a point 197 feet east of Douglas Street and extending to a point 21 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Luigi Matteliano, No. 62 Francis Street.
5. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 33rd Street between Angela Avenue and Leslie Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
6. That the existing "No Stopping, Wheelchair Loading Zone, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation on the east side of Bayfield Avenue commencing at a point 273 feet north of McAnulty Boulevard and extending to a point 24 feet easterly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That a "Permit Parking" regulation be implemented on the north side of Clinton Street commencing at a point 101 feet west of the extended west curb line of Ruth Street and extending to a point 19 feet westerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Belinda Quinn, No. 25 Clinton Street.
8. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the south side of Brucedale Avenue East commencing at a point 139 feet east of Upper James Street and extending to a point 387 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That a full-time "Wheelchair Loading Zone" regulation be implemented on the south side of Francis Street commencing at a point 40 feet east of Cheever Street and extending to a point 13 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

10. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West Park Avenue between Sanders Boulevard and the northerly end, and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, 27 Time Limit Exemption Permits to each of the first 27 eligible applicants residing in the apartment building at No. 264 Main Street West.
12.
 - (a) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side of Cranbrook Drive commencing at a point 152 feet south of the south curb line of Greendale Drive and extending 40 feet southerly be relocated to a point 73 feet south of the south curb line of Greendale Drive and extending 40 feet southerly therefrom; and,
 - (b) That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Cranbrook Drive commencing at a point 113 feet south of the south curb line of Greendale Drive and extending 80 feet southerly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
13.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Carrick Avenue commencing at a point 210 feet south of Dunsmure Road and extending to a point 16 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Margaret McAusland, No. 99 Carrick Avenue.
14. That a "No Parking" regulation be implemented on the north side of Bonaventure Drive between Clifton Downs (east leg) and Clifton Downs (west leg), and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That southbound traffic on Corinna Court be required to stop for eastbound and westbound traffic on Emperor Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

16. That four-way stop control be implemented at the intersection of Graham Avenue South and Central Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Queensdale Avenue East commencing at a point 65 feet east of East 8th Street and extending 126 feet easterly, and that the City Traffic By-law No. 89-72 be amended accordingly.
18. That, in accordance with subsection 144(31) of the Highway Traffic Act of the Province of Ontario, the Commissioner of Public Works and Traffic, or his designate, be designated to approve traffic signal design drawings on behalf of the City of Hamilton, and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", attached hereto, be approved, provided:
 - (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.
20. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreements with the Owners for the estimated costs of services in

"Silvana Gardens", Hamilton

City's Share - NIL -, Owner's Share \$ 234,750.97

"Wisemount Estates - Phase 9, Hamilton

City's Share - NIL -, Owner's Share \$ 198,906.66

Tiffany - Phase 1", Hamilton

City's Share - \$ 26,028.00, Owner's Share - \$ 1,029,247.00

"Timothy Survey - Phase 1", Hamilton

City's Share - \$ 16,483.00, Owner's - \$ 416,010.00

"Aterno Gardens", Hamilton

City's Share - Nil, Owner's Share - \$ 415,769.12

"Wellington Meadows - Phase 1", Hamilton

City's Share - Nil, Owner's Share - \$ 79,185.29; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Silvana Gardens", "Wisemount Estates - Phase 9", Hamilton, "Tiffany - Phase 1", "Timothy Survey - Phase 1", "Aterno Gardens" and "Wellington Meadows - Phase 1" as well as and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
 - (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the Owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered, the Owners should be allowed to do so at their own risk provided that the Owners enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of servicing in "Tiffany - Phase 1" and "Timothy Survey - Phase 1" subdivisions at an estimated cost of \$26,028 and \$16,483 respectively, be financed from the Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
21. (a) That staff be authorized and directed to continue developing the Pathway Barrier Free Design Standards as a Working Document based on the Introductory Pages provided herein; and,
- (b) That staff be authorized and directed to review and amend the "Barrier Free Design Standards" document, approved by City Council on 1994 October 4, to include the necessary modifications recommended as a result of the application of the standards.

22. That the Commissioner of Public Works and Traffic be authorized to initiate a six month trial project, in conjunction with the Hamilton-Wentworth Regional Police, whereby Parking Control Staff provide enforcement of by-law regulations other than Parking and Stopping, under the direction of a Regional Police Officer.
23. That four-way stop control be implemented at the intersection of Rosslyn Avenue North and Roxborough Avenue; and that the City Traffic By-law No. 89-72 be amended accordingly.
24. That three-way stop control be implemented on Lisajane Court and Juliebeth Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.
25.
 - (a)
 - (i) That Part 3, Plan 62R-11994 be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
 - (ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law; and,
 - (b)
 - (i) That an Offer to Purchase a portion of Part 3, Plan 62R-11994 for the price of \$14,923.91, executed by R.C. Richardson and C.P. Richardson dated 1997 September 23, be accepted. The said vacant land has a frontage on Harbottle Court of 18.03 metres (60.04 feet) more or less, and a depth of 2.85 metres (9.35 feet) more or less, comprising a total area of 52 square metres (559.74 square feet) more or less, being Part 2 on Plan 62R-14203, said transaction scheduled to close on 1997 November 6. Funds derived from this sale be credited to Account Centre CH00102 (Reserve for Property Purchases); and,
 - (ii) That the required deposit cheque in the amount of \$1,500 be held by the City Treasurer pending Council approval; and,
 - (iii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,

- (2) no appraisal of the fair market value of the real property intended to be sold was obtained as Reserves are exempt from the appraisal requirements of Section 193 of the Municipal Act.
- 26.
 - (a) That the Director of Planning and Development assume responsibility for circulation and co-ordination of City Departmental comments on proposed and/or amended Certificates of Approval located within the City of Hamilton, as forwarded by the Ontario Ministry of Environment and Energy; and,
 - (b) That the information comments obtained from City Departments address the following matters:
 - (i) Official Plan
 - (ii) Zoning By-law
 - (iii) Traffic
 - (iv) Noise
 - (v) Fire
 - (vi) Input from the Public at Public Meetings; and,
 - (c) That the Director of Planning and Development author the Recommendation Report consolidating the responses from City Departments, other municipal Departments and external agencies to the Transport and Environment Committee.
- 27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) A-72 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (b) A-73 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary
1997 October 6th

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Appendix "A" as referred to in
Section 19 of the Eleventh Report
of the Transport and Environment
Committee for 1997

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/ Annual Fee</u>
MacNab St. N.	416 MacNab St. N.	B. Prevost	Portion of Front Porch measuring 0.90m x 4.50m Steps measuring 1.10m x 1.10m	\$184/20
King William St.	29 Emerald St. N	J. and M. Houston	portion of building measuring 0.304m x 12.385m	\$184/20
Burlington St. W.	56 Burlington St. W.	A. MacLean	a portion of a front veranda and stairs measuring 1.200m x 2.900m	\$184/20
Erie Ave.	149 Erie Avenue	I. Perez A. Perez Gapuz	a portion of the front steps measuring 0.300m x 1.800m	\$184/20

**PLANNING & DEVELOPMENT
COMMITTEE**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1997 and respectfully recommends:

1. That Zoning Application ZAC-97-27, Barriview Developments Limited, owner, for an Official Plan Amendment and for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 880 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", be denied on the following basis:
 - (i) The application conflicts with the general intent of the Official Plan;
 - (ii) The application conflicts with the approved Bruleville Neighbourhood; and,
 - (iii) The proposed restaurant would not be compatible with the abutting residential uses.
2. (a) That approval be given to Application DE-97-001, under the Rental Housing Protection Act, 1190771 Ontario Inc., owner, for the demolition of an 8-unit rental apartment building located at 11 Emerald Street South, subject to the following conditions:
 - (i) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,
 - (ii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
- (b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.
3. (a) That approval be given to amended Subdivision Application SAC-97-05, 839891 Ontario Inc. (A. DiSilvestro, President), owner, for 76 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets subject to the following conditions:

- (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Ltd. and certified by J.P. Wooley, O.L.S., dated June 23, 1997, showing 76 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets, attached as Appendix "B".
- (ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.
- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
- (vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- (vii) That a 2m by 2m daylight triangle be shown on the final plan of subdivision for road purposes on Lot 65.
- (viii) That the east-west portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 3".
- (ix) That the north-south portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 4".
- (x) That Meadowpoint Drive must align centreline-to-centreline with Serena Drive in "Allison Estates - Phase 3".
- (xi) That Magenta Court must align centreline-to-centreline with Magenta Court in "Allison Estates - Phase 3".

- (xii) That 15m radius transitions be provided into and out of the bulb adjacent to Lots 7 and 14 (inclusive) on Jacqueline Boulevard.
- (xiii) That no portion of the plan be developed until a second public street access is established, constructed and connected over Kirkfield Road to Spingside Drive.
- (xiv) That the development phasing of this subdivision be to the satisfaction of the Regional Environment Department and the City of Hamilton Department of Public Works and Traffic.
- (xv) That the owner terminate any open side of the road allowance or deadends in 0.30 metre reserves.
- (xvi) That Blocks 78, 79, 80, 81 and 82 be developed in conjunction with Registered Blocks 18, 19, 20, 21 and 22, Registered Plan 62M-823 ("Allison Estates - Phase 4") respectively.
- (xvii) That Block 77 be dedicated to the City of Hamilton by deed for park purposes.
- (xviii) That prior to the conveyance of Block 77 for park purposes, the block will have been remediated with respect to soil contaminates and any archaeological remains will have been removed to the satisfaction of the appropriate Provincial Ministry, the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.
- (xix) That Block 77 be graded and planted to the satisfaction of the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.
- (xx) That the owner prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. The approved plan will include the following:

- (1) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;
 - (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
- (xxi) That the owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.
- (xxii) That the owner provide temporary turn arounds at the westerly limits of Meadowpoint Drive and Jacqueline Boulevard to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic.
- (xxiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.
- (xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97012), 839891 Ontario Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,
 - (d) That approval be given to Zoning Application ZAC-97-29, 839891 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District to permit small lot single family dwellings (minimum lot width of 10 m), for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive, as shown on the attached map marked as Appendix "C", on the following basis:
 - (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District;
 - (ii) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;
 - (iii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
4. That CityView, attached hereto, and marked Appendix "D", be endorsed as the guiding direction and policy framework for the development of Hamilton's new Official Plan.
5. That the City Solicitor be authorized and directed to amend By-Law 84-35 as follows:-

- (a) That Section 1 of By-law 84-35 be amended by adding the following definitions:

- (i) "buffer strip" means a minimum 1.0m (3.28') wide border that surrounds a wildflower, meadow, or naturalized area on an occupied residential property.

Without restricting the generality of the foregoing, such a border may include:

1. turf grass
2. non-organic ground cover
3. organic ground cover, ie. hedges, etc., to a maximum height of 60cm (24"); and,

- (ii) "turf grass" means a regularly maintained area to a maximum height of 20cm (8") consisting of a desirable turf grass species such as blue grass, fescue, and perennial ryes; and,

- (b) That Subsection (4) of Section 2 be amended to include the following:

...in height" in defined turf grass areas. Wildflower, meadow and naturalized areas are permitted provided they do not encroach within a 1.0m (3.28') buffer strip of the lot line and that the areas are managed under the Weed Control Act (R.R.O. 1990).

6. (a) That approval be given to Official Plan Amendment No. 140 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "E" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- (b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "F" subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated June 9, 1997, showing 244 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "G".
 - (ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.
 - (iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development.
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

- (vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- (viii) That Blocks 261 and 262 be developed in conjunction with the adjacent lands.
- (ix) That Blocks 245 and 260 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 245 and 260 be developed in conjunction with the abutting lands.
- (x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

- (xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department.
- (xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.
- (xiii) That if the development of Blocks 259 and 260 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

- (xiv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.
- (xv) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.
- (xvi) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.
- (xvii) That Street G be established at 20m instead of 18m.
- (xviii) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.
- (xix) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.
- (xx) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.
- (xxi) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "H" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department.
- (xxii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street.

- (xxiii) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.
- (xxiv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.
- (xxv) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.
- (xxvi) That the street line adjacent Lots 223, 224, 225 and 226 be realigned to provide a straight transition into the cul-de-sac bulb.
- (xxvii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

- (3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;
- (4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.
- (xxviii) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.
- (xxix) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.
- (xxx) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- (c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

- (e) That the approved Carpenter Neighbourhood Plan be amended, as shown on Appendix "H", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

- 7. (a) That as per the Planning and Development Committee's recommendation of 1997 June 18, the following resolution be forwarded to Council:

That approval be given to amended Zoning Application 97-06, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District modified, to construct a four (4) storey 12 unit apartment building, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as Appendix "I", on the following basis:

- (i) That the lands be rezoned from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District;
- (ii) That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:
 - (a) That notwithstanding Section 10B (2)(ii), no building or structure shall exceed four (4) storeys and 16.5 m in height;
 - (b) That Section 10B (3)(i)(b), shall not apply to the subject lands;
 - (c) That notwithstanding Section 10B (3), the following yards shall be provided and maintained:-
 - (i) a side yard of a depth not less than 1.7 m shall be provided along the entire southerly boundary of the subject lands;
 - (ii) a rear yard of a depth not less than 3.0 m shall be provided along the entire westerly boundary of the subject lands;

- (d) That notwithstanding Section 10B (5), a maximum gross floor area of 1,384.0 m² (14,900 S.F.) and twelve (12) units shall be permitted on the subject lands;
- (e) That notwithstanding Section 18A (1), nine (9) parking spaces shall be provided and maintained on the subject lands;
- (f) That notwithstanding Section 18A (1)(c), one (1) loading space at 9.0 m x 3.0 m x 4.3 m shall be provided and maintained on the subject lands;
- (g) That notwithstanding Section 18A (7), only one (1) parking spaces at 2.7 m x 5.7 m shall be provided and maintained on the subject lands;
- (h) That notwithstanding Section 18A (11), the boundary of the parking area will be 1.35 m (4.5 feet) from the adjoining residential district boundary and 5.85 m (19.19 feet) from the northerly property line;
- (i) That Section 18A (12)(c), shall not apply to the subject land;
- (j) That Section 18A (32) & (33), shall not apply to the subject lands;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1390, and the subject lands on Zoning District Map E-4 be notated S-1390; and,
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,
- (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

8. That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 787-791 Barton Street East, as shown on the attached Appendix "J", and that the Director of Planning and Development be directed to prepare a By-law, to amend By-law No. 79-275, for presentation to City Council.
9. That the City of Hamilton accept the sum of \$46,000 as a cash payment in lieu of the 5% land dedication in connection with "Silvana Gardens", Hamilton being the cash payment required under Section 51 of the Planning Act.
10.
 - (a) That an Offer to Purchase 140 Nebo Road for the price of \$100,500, executed by 779391 Ontario Limited (Donald B. Cowie, President), dated 1997 September 15, be accepted. The said lands having a frontage on the westerly limit of Nebo Road of 61.03 metres (200.23 feet), by a depth of 132.07/134.69 metres (433.31/441.89 feet) and containing an area of 0.812 hectares (2.01 acres), being Lot 18, Plan M-227, Hamilton Mountain Industrial Park No. 1, said transaction scheduled to close on 1998 February 9. Funds derived from this sale less commission be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (b) That this transaction includes special building covenants, agreements and restrictions, which are set out on the pages attached herewith and marked Appendix "K", which terms shall be included in the Committee's resolution to City Council; and,
 - (c) That this Offer be conditional for thirty (30) days from date of acceptance for the sole benefit of the Purchaser to carry out his engineering and architectural plans for the erection of a new building to be constructed and for the Purchaser, in its sole discretion, to be satisfied with the results of such studies. The Purchaser shall have the right to conduct soil tests and to have access to the property to conduct all such tests and studies. Failing which this offer shall become null and void and the Purchaser's deposit to be refunded in full without deductions of any kind; and,

- (d) That upon successful completion of this sale, a real estate commission of 6% of the \$100,500 sale price, plus GST, be paid to Blair, Blanchard, Stapleton Limited (Sales representative Gary Stapleton), who acted in this matter; and,
 - (e) That the required deposit cheque in the amount of \$5,000 be held by the City Treasurer pending Council approval; and,
 - (f) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (i) satisfactory notice has been given to the public of the intended sale;
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as the lands are exempt from the appraisal requirements of Section 193 of the Municipal Act.
11. That a Heritage Permit be approved for the following exterior alterations/addition to the building at 90 Markland Street (designated under Part V of the Ontario Heritage Act), as shown on the drawings of the north, east and west elevations dated 1997 September 19 attached hereto and marked as Appendix "L":
- (a) a one-storey addition to the rear of 90 Markland Street by raising the roof; and,
 - (b) the addition of a dormer (east side), skylights (west side) and window (north side); and,
 - (c) removal of chimney;
- with the following conditions:
- (i) that the dormer be made of wood, modelled on the dormer at the front of the house; and,

1997 October 14

- (ii) that unless closely matching stone can be found, it would be more appropriate that the addition be of board and batten.

12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

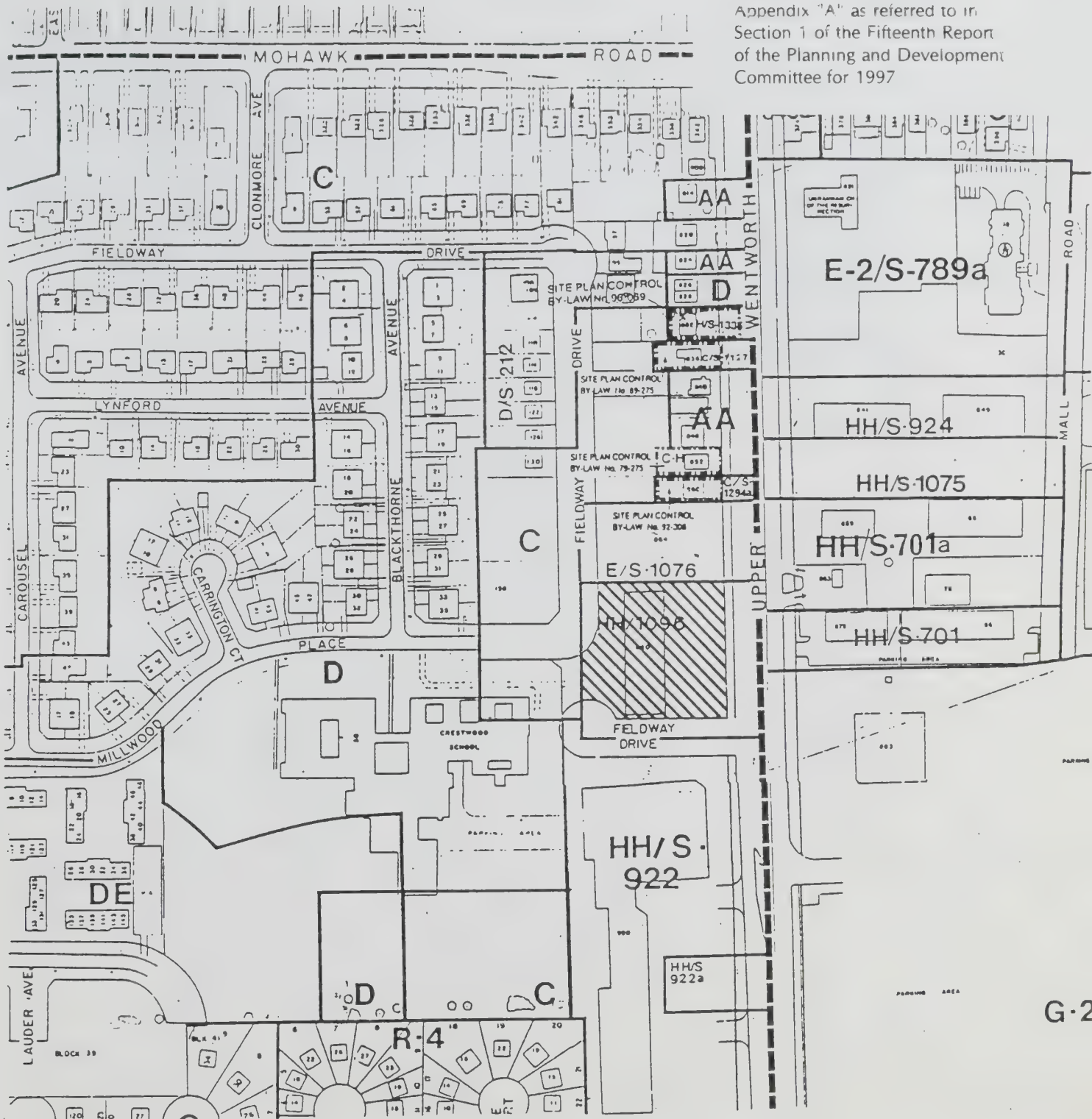
- (a) C-66 A By-law to adopt Official Plan Amendment No. 141 respecting lands located south of Rymal Road West and east of Upper Paradise Road within the Carpenter Neighbourhood
- (b) C-67 A By-law to remove land within the "Allison Estates - Phase 4" Subdivision, Plan 62M-823 from Part Lot Control
- (c) C-68 A By-law to amend By-law No. 86-73 as amended by By-laws No. 92-058 and 97-105 respecting members of the Board of Management of the Downtown Hamilton Business Improvement Area
- (d) C-69 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal No. 607 Queen Victoria Drive
- (e) C-70 A By-law to remove land within the "Eaglewood Manor" Subdivision, Plan 62M-622 from Part Lot Control

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan Reeder,
Acting Secretary
1997 October 8**

Appendix "A" as referred to in
Section 1 of the Fifteenth Report
of the Planning and Development
Committee for 1997



G-2

Legend

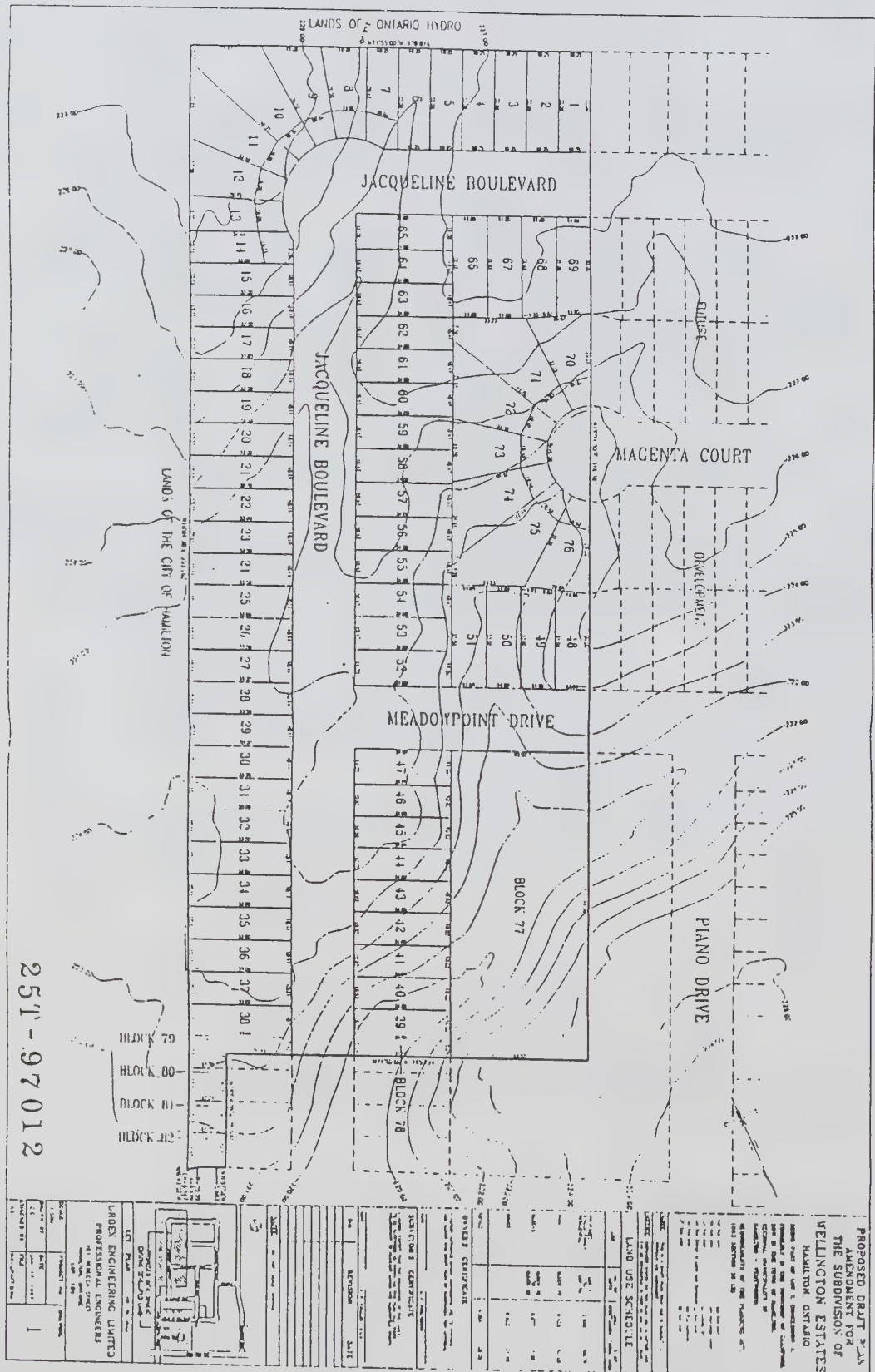


Site of the Application

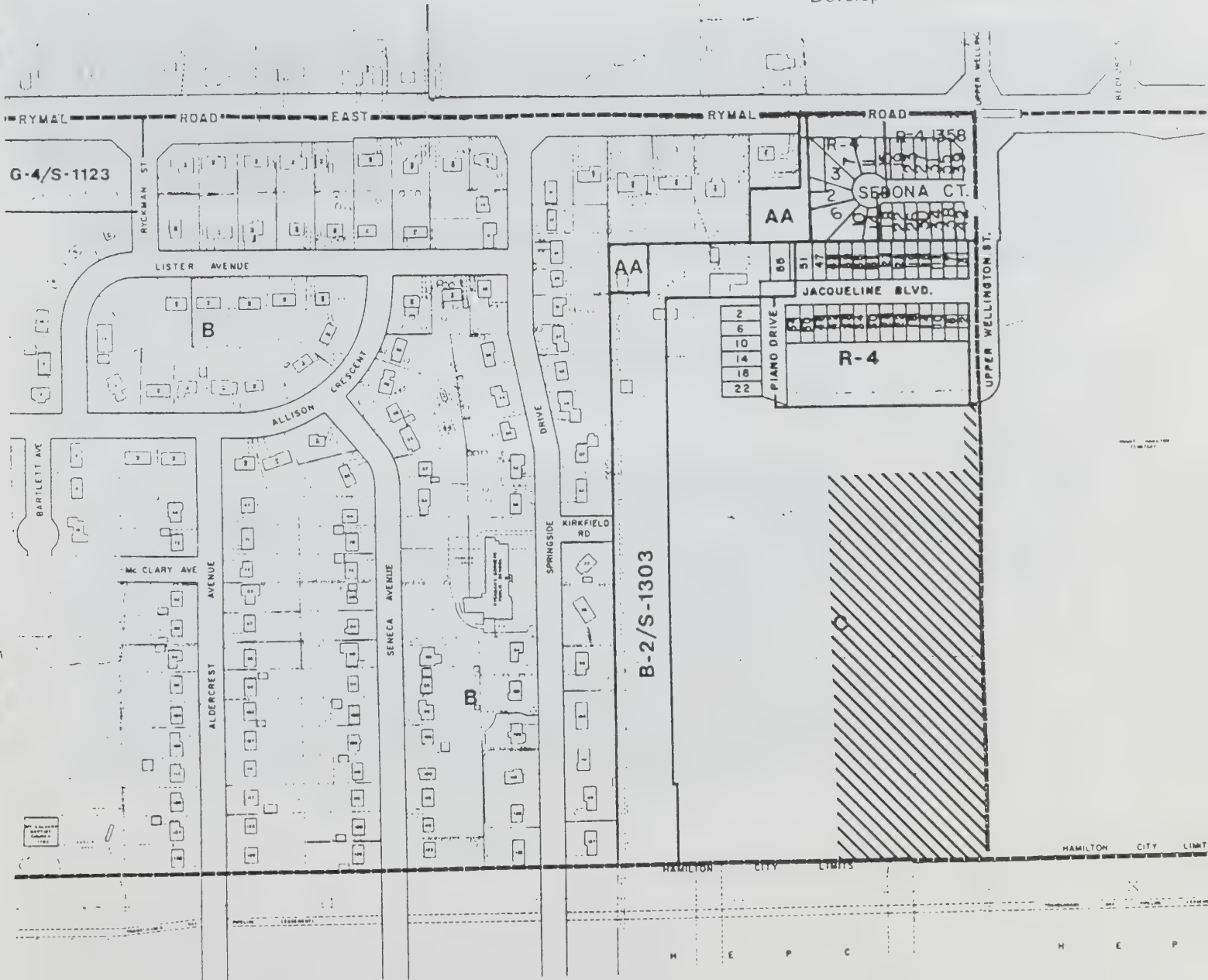
C-17



Appendix "B" as referred to in
Section 3 of the Fifteenth Report
of the Planning and Development
Committee for 1997



APPENDIX "B"

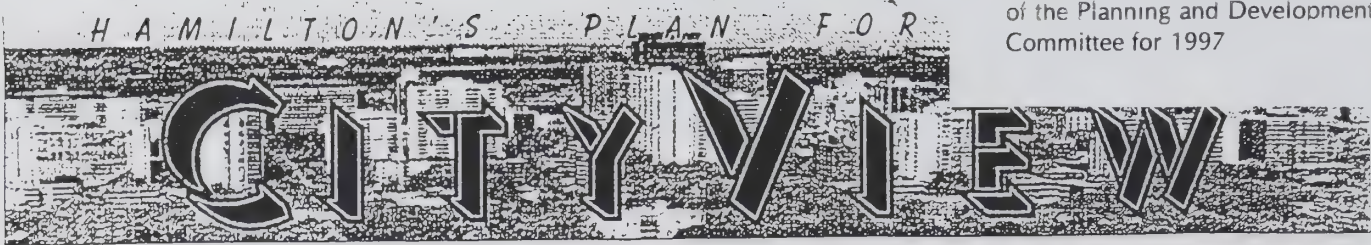


Legend



Site of the Application

Appendix "D" as referred to in
Section 4 of the Fifteenth Report
of the Planning and Development
Committee for 1997



City of Hamilton Planning and Development Department 1997

WHAT IS YOUR CITYVIEW? IT'S HERE!

APPENDIX " "

In 1996, the City of Hamilton published a series of 24 background brochures describing a variety of city planning ideas, issues and concerns facing our community. At that time, we asked for your goals, ideas and thoughts for Hamilton in the future - what is your CityView?



After talking and listening to many citizens, neighbourhood associations, businesses and community agencies, our CityView of Hamilton will unfold over the coming pages.

What is CityView?

The CityView is a vision that represents the collective values of our community. CityView describes where we want to be in the future. The CityView is being used to create Hamilton's key city planning document - the Hamilton Official Plan. The Official Plan is Hamilton's blueprint for the future. The Official Plan guides and shapes development in the City of Hamilton. It is the document that outlines where and how the City will grow and change.

CityView is woven around six important and interconnected city planning themes. Each of these themes details a specific vision and outlines objectives for the City of Hamilton to achieve over the coming years. These objectives will contribute to creating a better living environment for the residents of Hamilton into the 21st Century.

Our CityView is here! Let's embrace it and create a vibrant, healthy and attractive city through planning today for tomorrow.

Downtown

Since 1846, Downtown Hamilton has been the commercial, cultural, social and historic centre of Hamilton. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton is its clearly identifiable city centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in the Hamilton metropolitan area. The strength and vitality of Hamilton's Downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton to the betterment of their entire community.

Downtown CityView

"The Downtown is a community where people wish to live, work and visit."

The City of Hamilton has successfully created an environment which brings a greater number of people to live, work and visit Downtown. Through consumer expenditures and business investment, Downtown Hamilton is a strong, self-sustaining and viable community. As well, our future vision for the downtown incorporates all of the positive elements relating to heritage, economic base, infrastructure, neighbourhoods and community well-being.

Objectives

Enhance the Downtown as a safe and unique community and as the heart of the City and broader metropolitan area.

Encourage preservation and enhancement of the significant heritage resources in the Downtown.

Encourage and assist in the rehabilitation of buildings and/or new development in the Downtown to ensure their long term economic viability through innovative planning mechanisms, for example, a development permit system.

Focus municipal efforts on provision of streetscaping improvements, coordination of planning and development activity, and municipal services and infrastructure.

Promote continued development of the Downtown as the primary business, office, public transit, cultural, entertainment and administrative centre of the City.

Provide clear direction to the development industry on the desired visual and aesthetic character of the Downtown

Neighbourhoods

Hamilton is a community of neighbourhoods, each with a unique character. We have a downtown neighbourhood, newer suburban neighbourhoods and older traditional urban neighbourhoods. Within these neighbourhoods there are different types of homes - apartments, townhouses, single-detached dwellings. There are curved street patterns and grid or block street patterns. There are large community parks and small neighbourhood parks. There are schools, libraries and other community facilities. Our neighbourhoods are a mix of all these uses. More importantly, our neighbourhoods are safe places where people can feel a sense of place and community ownership.

Over the past years, we have seen neighbourhoods in our community that have flourished, some that have declined and still others that have remained stable. There have been factors that have contributed to this including lifestyle choices, demographics and employment trends. Also, the diversity and individual uniqueness of Hamilton's neighbourhoods have become more apparent. Our city needs to embrace the diversity of neighbourhoods.

Neighbourhoods CityView

The character of our neighbourhoods has been strengthened and recognized. Citizens have the opportunity to stay in their neighbourhood or move to other parts of the City as lifecycle needs and wishes change.

Home-based businesses have been effectively integrated within neighbourhoods without adverse effects on the surrounding residential community. Walking and bicycling are more prevalent than using the car. Neighbourhoods are aesthetically attractive, clean, and safe.

Redevelopment and infill developments have maximized the use of the City's investment in existing roads, sewers, waste facilities, schools and recreational facilities, while fitting in to the existing character and scale of the neighbourhood.

Objectives

Recognize the strength of our neighbourhoods by:

- Identifying and promoting the historical and architectural factors that make our neighbourhoods unique;
- Encouraging the continued availability of different housing types while retaining neighbourhood stability;
- Supporting the retention, expansion or establishment of our community recreational, cultural and educational facilities as the focus of the neighbourhood;
- Promoting and actively seeking the involvement of residents in the local planning process; and
- Promote sensitive and appropriate development and redevelopment within neighbourhoods through the:
 - adaptive re-use of underutilized buildings;
 - infilling of vacant lots;
 - establishment of alternative and more flexible development design standards; and
 - encouragement of home-based businesses without disrupting the community character.

Natural Heritage

Our natural heritage is all around us. It consists of water, lakes, streams, shorelines, areas of natural and scientific interest, wetlands, marshes, the Niagara Escarpment, trees, forests, plant and animal habitats. These areas provide a home for wildlife and plants, and they are vital to human life and health.

Human activities have had an impact on our environment - the clean-up of Hamilton Harbour shows we each must be stewards of our environment. Some Environmentally Significant Areas (ESA's) have been lost while other areas of the City have been subject to erosion and flooding.

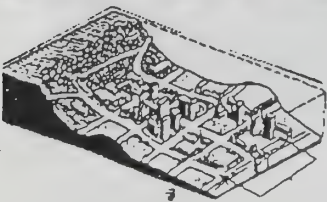
Natural Heritage CityView

The natural areas of our community have been protected, preserved, and enhanced. City planning policies and objectives effectively manage change within the community and produce environmental benefits.

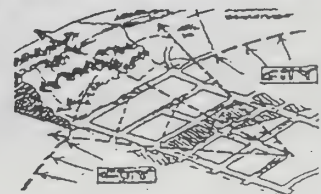
The Remedial Action Plan and the on-going work of the Bay Area Implementation Team and the Bay Area Restoration Council have resulted in the improvement of water quality and the overall natural habitat in Hamilton Harbour. The Hamilton Harbour and the Lake Ontario shoreline are community assets accessible to all.

Environmentally Sensitive Areas which include marshes, wetlands, the Niagara Escarpment and woodlots have been protected and preserved for future generations. There are no adverse impacts from adjacent and abutting developments.

An extensive pedestrian trail system with many links has been completed throughout the City.



Objectives



Improve the quality of groundwater, streams, creeks and the Hamilton Harbour by: 1) incorporating storm water management practices through the use of ponds, adopt-a-puddle and rain barrels; 2) utilizing a watershed planning approach in facilitating new development; and 3) supporting and encouraging the activities and efforts outlined in the Hamilton Harbour Remedial Action Plan.

Manage our natural heritage environment by: 1) ensuring any adjacent development does not adversely affect the natural integrity of Environmentally Significant Areas, wetlands and woodlands; 2) protecting animal and plant habitats; and 3) promoting a system of linkages between our natural heritage features through the use of trails, pathways and parks.

Explore alternative land use arrangements that would minimize travel by car. This would improve air quality by reducing vehicle emissions.

Economic Base

One of the keys to a healthy, dynamic city is the strength, diversity and success of the community's economic base. The challenge for the City of Hamilton is to be aware of broad market and economic trends and co-operate with the business community in their efforts to achieve on-going efficiencies and long-term profitability.

The economic base of the City of Hamilton has changed and there are a number of city planning implications arising from these changes.

- Though still a major employer, the manufacturing industrial sector is no longer as prominent in the community as it once was. This has resulted in many vacant and underutilized buildings and lands where soil contamination may be an issue.
- Traditional commercial retail strips along Hamilton's major thoroughfares have experienced difficulties as the population in adjacent neighbourhoods declines and newer suburban shopping malls provide formidable competition.
- More people are working out of their homes and this will continue to expand.
- Traditional industrial neighbourhoods are no longer occupied exclusively by industrial type uses. The East Mountain Industrial-Business Park, for example, is attracting non-traditional retail establishments and office uses.

Economic Base CityView

A strong base of employment opportunities for Hamilton residents has been created, contributing to the long-term viability of the community. The City is aware of broad economic trends and their local planning implications and provides a flexible planning framework to facilitate change. There are many geographic areas suitable for a variety of employment opportunities.

Objectives

Facilitate people working out of their homes without negatively affecting the quality-of-life in residential neighbourhoods.

Promote flexibility for different employment types in the City's industrial neighbourhoods.

Ensure that market sensitive planning regulations are established to promote the re-use of vacant and underutilized industrial lands.

Promote the Port of Hamilton and specific districts within the Bayfront Industrial Area as the location for new manufacturing and recycling industries.

Work with retail merchants and Business Improvement Areas to strengthen their economic viability and market competitiveness of commercial retail areas. Develop a market niche for these areas to ensure long-term success.

Community Well-Being

Livability is the key to successful cities. Although Hamiltonians enjoy a high standard of living, there are increasing concerns regarding safety, noise, environmental quality, traffic congestion and other factors that affect the quality-of-life we enjoy. In addition, the traditional assumptions or principles about developing new neighbourhoods have changed. Much of the planning for new areas in recent decades was based on the notion of the traditional nuclear family, with dad commuting to work in the downtown and mom staying at home, with the children walking to school and coming home for lunch, along with a small commercial plaza nearby for milk and groceries.

Today, mom and dad may both work, perhaps commuting to another city. They pick up their groceries at a retail warehouse store and the children may attend school in a different neighbourhood because that is where the day care provider lives. These new social realities have to be considered in the planning and design of our new neighbourhoods.

Community Well-Being City View

Streets are more than utility corridors for motor vehicles. The street and streetscape are the critical design element that shape the quality of the community's environment. There are clear street patterns that provide pedestrian, bicycle, and transit access without sacrificing privacy and safety. On the Hamilton Mountain, the classic suburb has become a community, not just an agglomeration of houses, shops and offices connected by cars. Real and meaningful public spaces have been developed and complement the semi-public space of the shopping mall. The City's layout has been reworked to reduce people's dependence on the automobile. Strolling, walking and mingling with neighbours is possible!

Objectives

Minimize traffic congestion and reduce journey to work/travel times.

Ensure all neighbourhoods are fully developed without vacant parcels, i.e., institutional sites/local commercial sites.

Recognize public art as a desirable element of the streetscape and urban form.

Provide commercial and retail opportunities for residents in their own neighbourhood.

Provide greater employment opportunities for the residents of Hamilton.

Create friendly streets through the implementation of traffic calming measures and urban design.

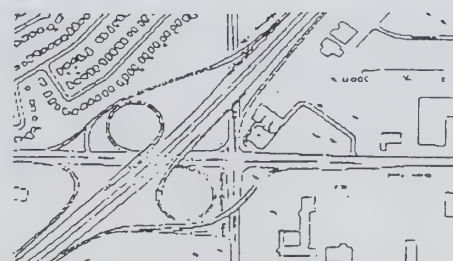
Enhance the design and streetscape elements of the City, promote pedestrianisation.

Maintain, enhance and promote the heritage resources of the community.

Recognize and plan for community-level facilities/amenities that serve areas beyond the immediate neighbourhood (e.g., community level sports parks, Hamilton Place).

Infrastructure

Infrastructure is a broad, generic term for a number of different features of our urban environment. Colloquially known as "flush, gush and drive", infrastructure in our community is both visible and invisible in our daily lives. It encompasses the roads we travel on, the water we drink in our homes, the rainwater that drains from our streets into the catchbasins and the waste water from our sinks, showers and toilets.



An efficient and easily adaptable infrastructure is essential for community well-being, economic stability and future urban growth and development. However, maintaining the existing infrastructure and providing for new infrastructure requires a considerable financial commitment from various levels of government and from proponents of new development.



Infrastructure CityView

The full use of the urban infrastructure has been maximized, capitalizing on the financial investment made in previous years.

Alternative infrastructure standards for new development reduces the required financial commitments, yet, at the same time, provides a comparable level of service for Hamilton consumers and businesses.

The standards or guidelines for the various components of infrastructure recognize the context and character of the particular neighbourhood or area of the City.

Objectives

Promote the effective and efficient use of the urban infrastructure already in place.

Review alternative standards for new infrastructure to reduce the upfront required financial costs, while maintaining community character and aesthetics.

Develop and apply flexible infrastructure standards that recognize the varied nature of Hamilton's neighbourhoods.



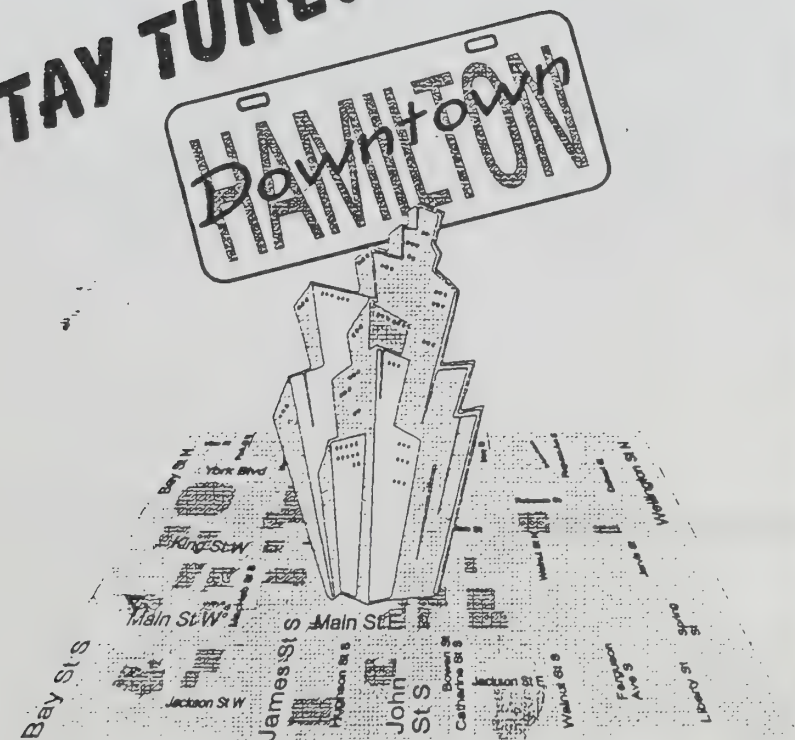
PAGE SEVEN

Where Do We Go From Here?

Staff of the Planning and Development Department are working on a draft of the new Official Plan for the City of Hamilton. The new draft Official Plan will capture the planning themes highlighted in CityView. When the draft Official Plan is completed, a major public outreach campaign will kick into gear to hear what Hamilton residents and other community partners have to say about the new Official Plan.

Once again, we will be calling on you shortly....

STAY TUNED!



CITYVIEW

CityView Hamilton's Plan for Tomorrow is your opportunity to present your ideas and thoughts on the future of Hamilton.

Your ideas will ultimately form the basis of a new Official Plan for the City of Hamilton.

Staff of Hamilton's Planning and Development Department are available to answer your questions on any facet of CityView.

Ways to Contact Us...

Joanne Hickey-Evans at (905) 546-4229
Keith Exance at (905) 546-4158

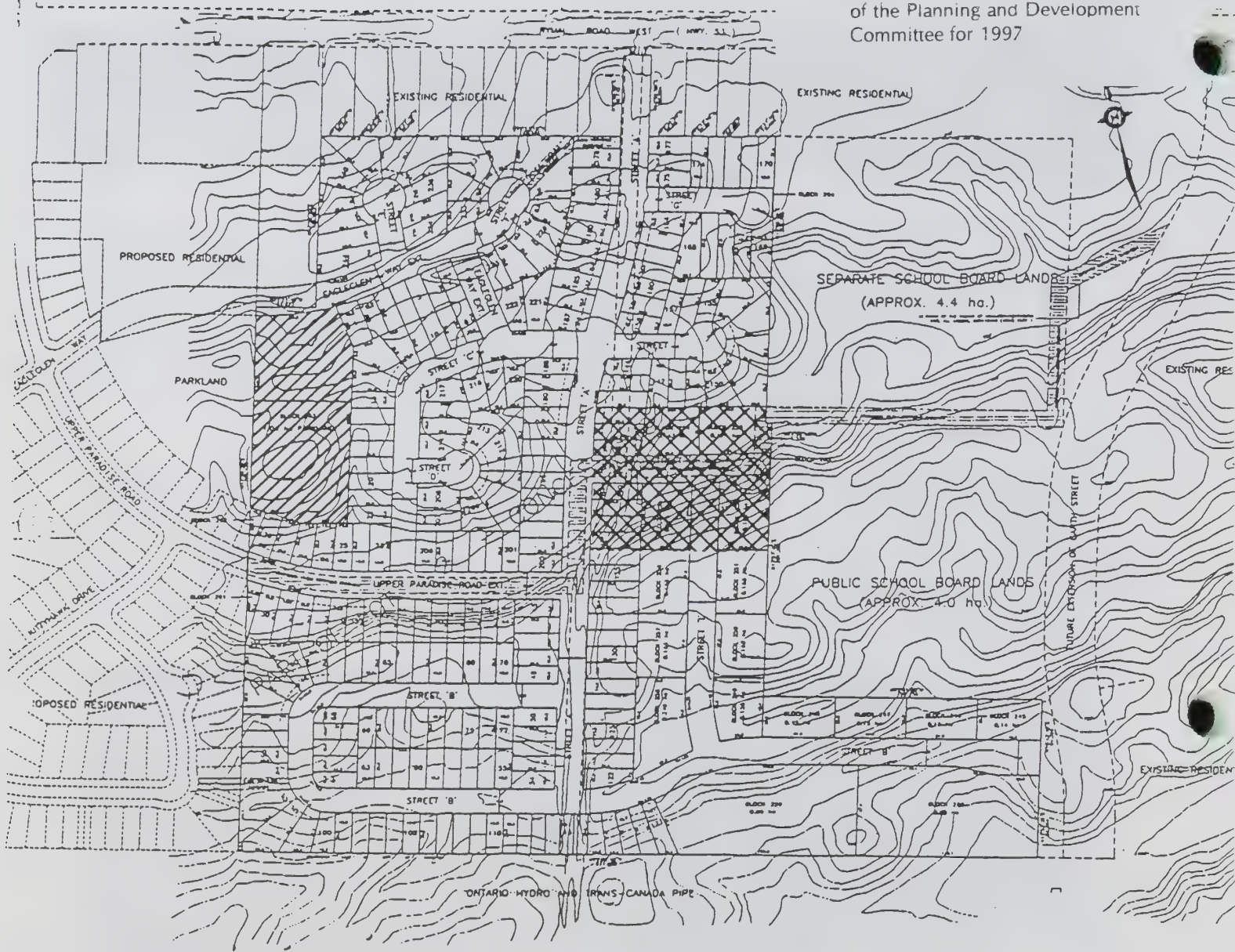
FAX (905) 546-4202

E-Mail: city.hamilton.planning@freenet.hamilton.on.ca


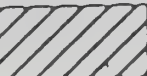
Mail to...

City of Hamilton
Planning and Development Department
7th Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Appendix "E" as referred to in
Section 6 of the Fifteenth Report
of the Planning and Development
Committee for 1997



Legend

- BLOCK 1**  Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 - 255, inclusive, on proposed Draft Plan of Subdivision)
- BLOCK 2**  Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

C-28

Reference File No.

SAR-97-04

Drawn By

Date

R.L.

August 1997

Scale

Not to Scale

North

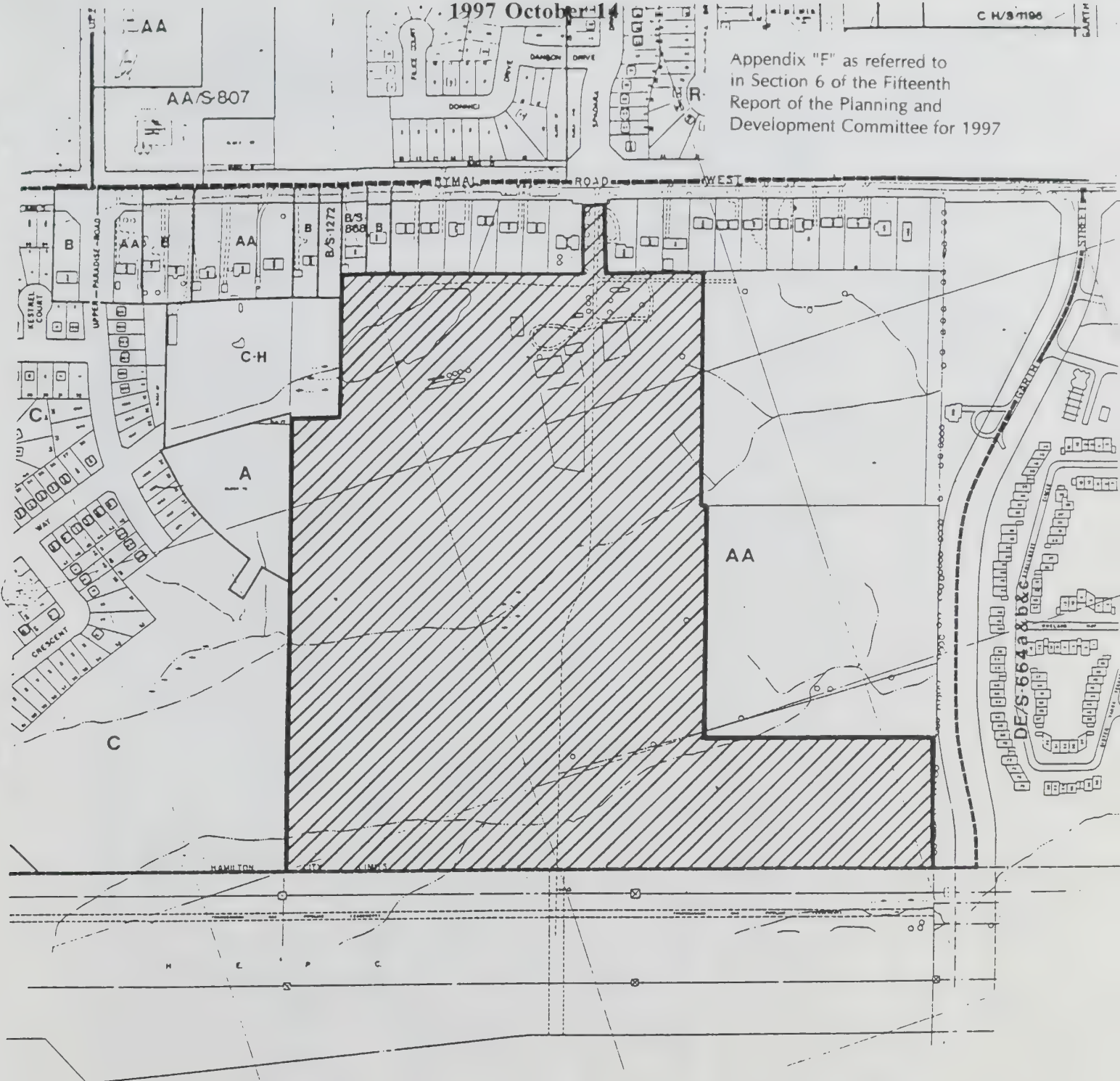


APPENDIX "E"

1997 October 14

C H/S/1196

Appendix "F" as referred to
in Section 6 of the Fifteenth
Report of the Planning and
Development Committee for 1997



Legend



Site of the Application

C-29

Reference File No

SAR-97-04

Drawn By

Date

B.B.

Aug. 1997

Scale

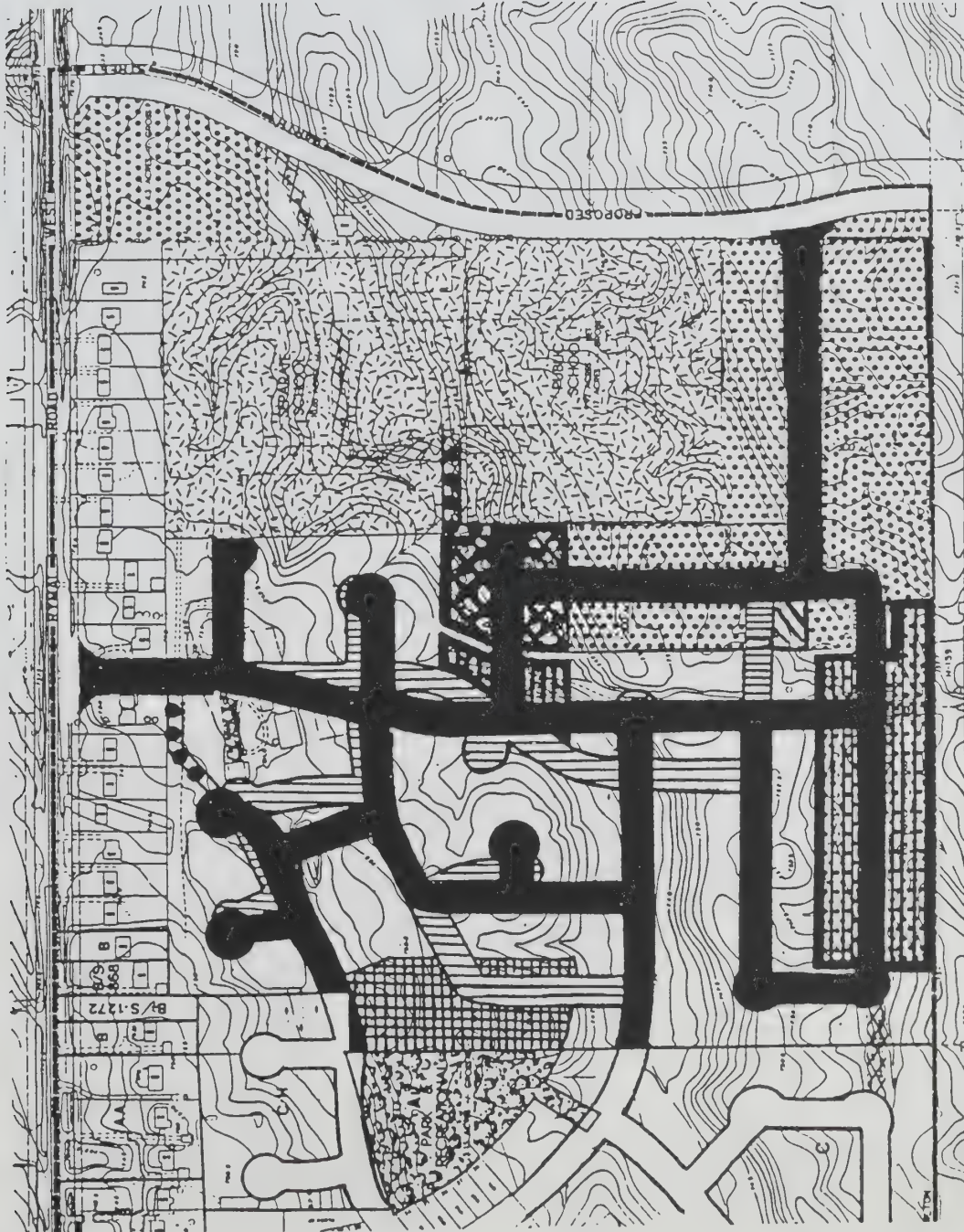
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APPENDIX "F"

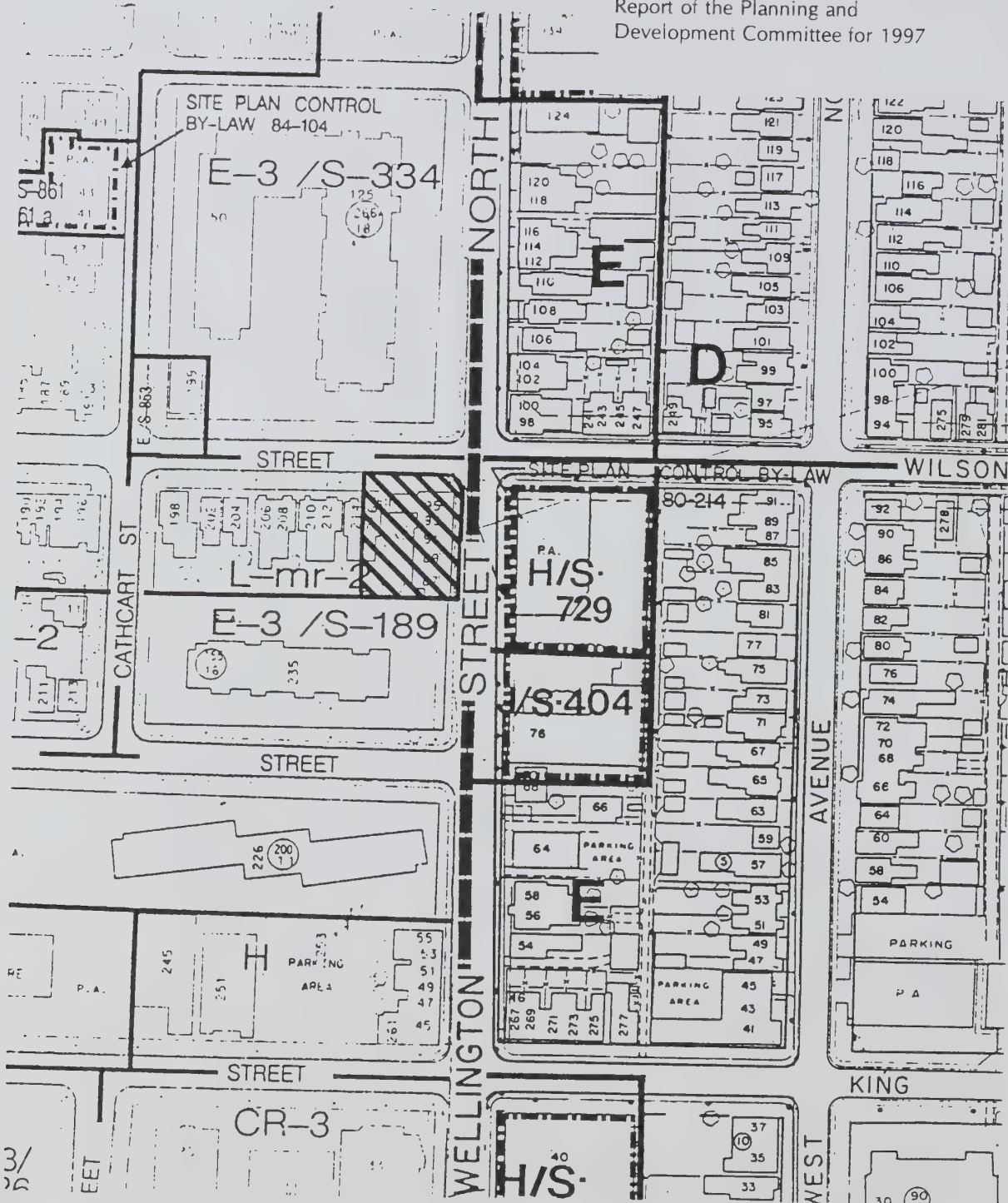
Appendix "H" as referred to in
Section 6 of the Fifteenth Report
of the Planning and Development
Committee for 1997



	From Single and Double Housing to Attached Housing
	From Attached Housing to Single and Double Housing
	From Single and Double Housing to Park and Recreational
	From Park and Recreational to Attached Housing
	Delete Roadway
	Proposed Road Pattern
	Proposed Easement

Legend:

Appendix "I" as referred to
in Section 7 of the Fifteenth
Report of the Planning and
Development Committee for 1997



Legend



Change in zoning:

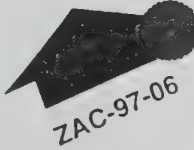
From: "L - Mr - 2" (Planned Development)

Multiple Residential

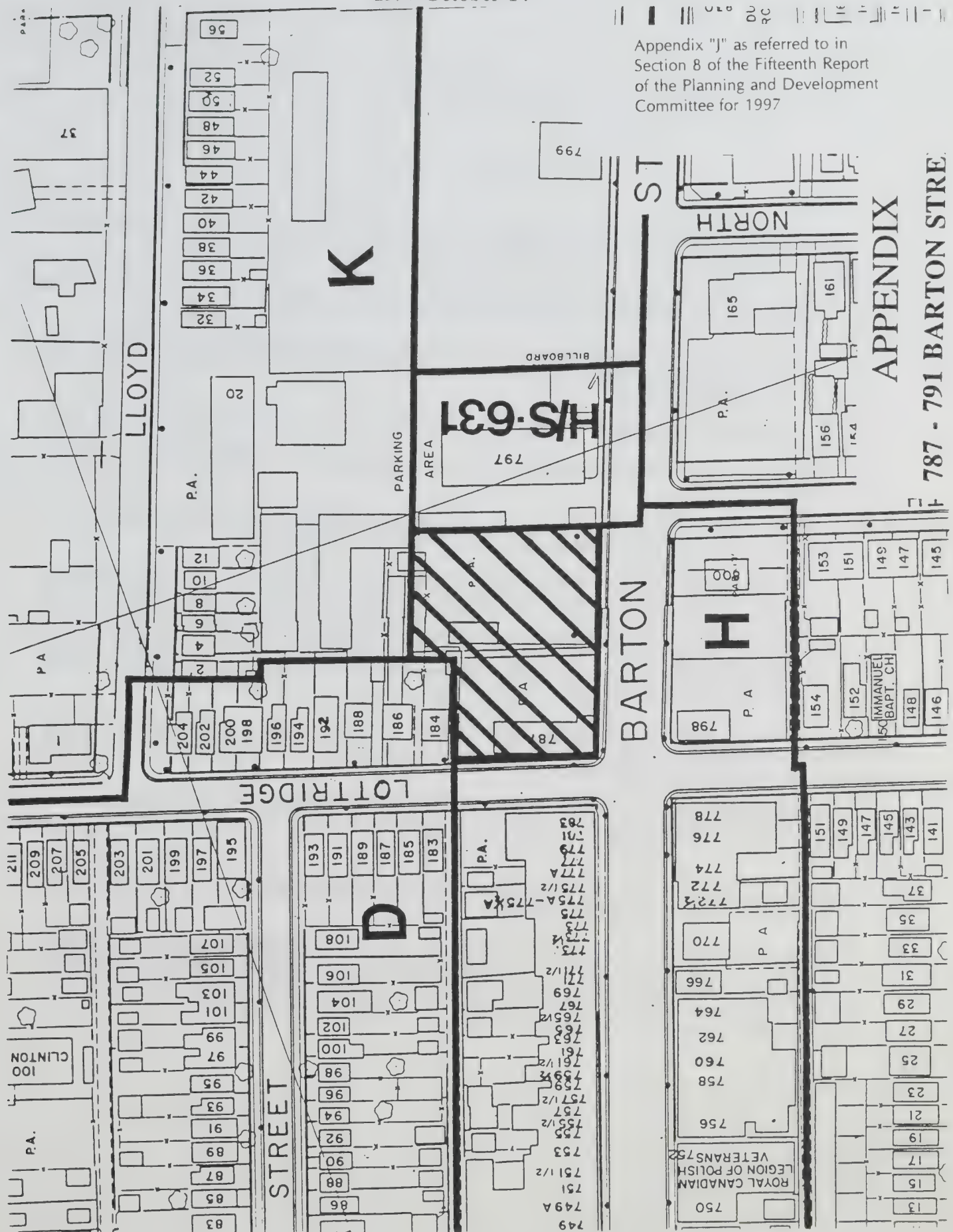
To: "DE - 2" (Multiple

C-32

District, Modified



ZAC-97-06



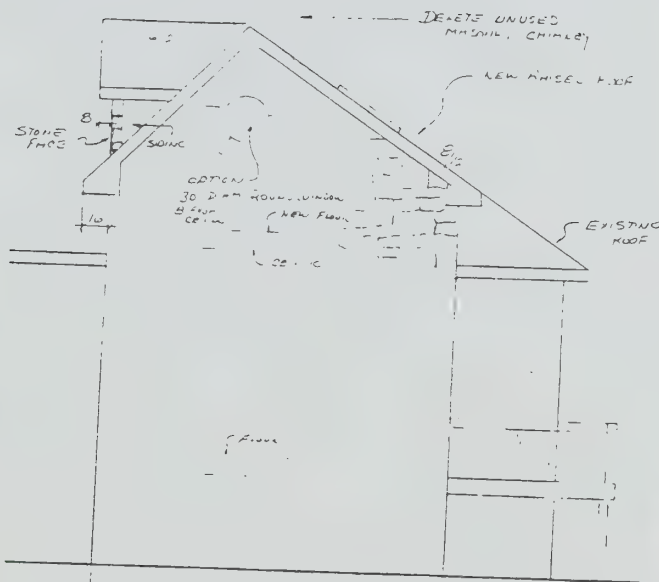
APPENDIX " "

- 6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:
1. That the transferee shall commence construction of a building, having a minimum building area of 35,000 square feet, upon the hereinbefore described land by not later than September 30, 1998.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.
 2. That the transferee shall complete construction of the said building by not later than December 31, 1998.

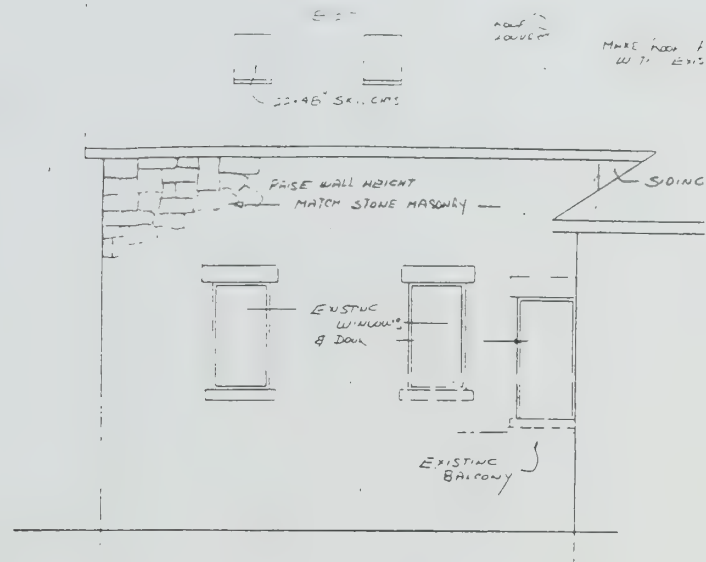
The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.
 3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.
 4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
 5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.
- 6.6 Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.

Appendix "L" as referred to
in Section 11 of the Fifteenth
Report of the Planning and
Development Committee for 1997



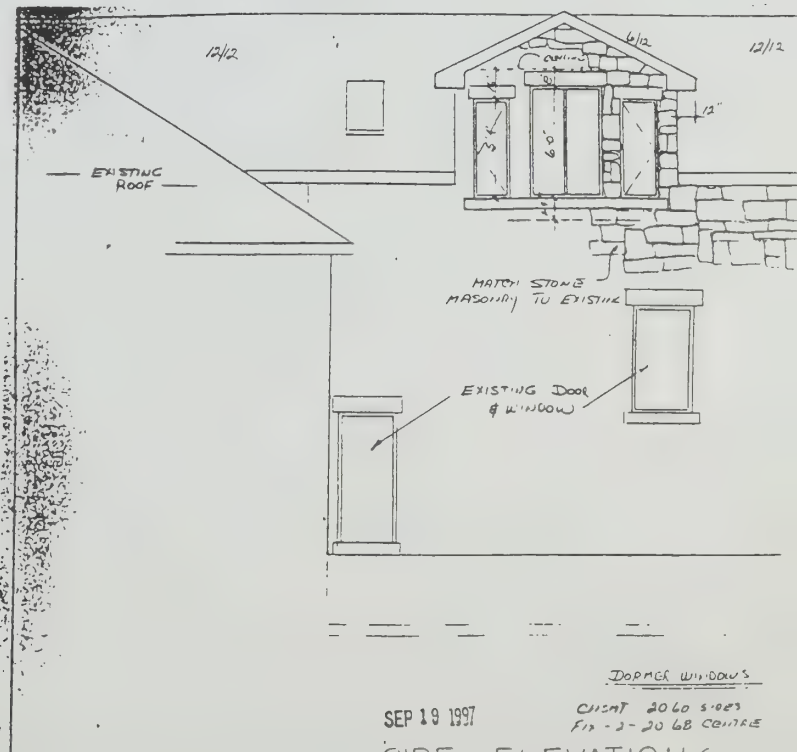
SEP 19 1997

REAR ELEVATION



SEP 19 1997

SIDE ELEVATION (WEST SIDE)



SEP 19 1997

SIDE ELEVATION (EAST SIDE)

FINANCE & ADMINISTRATION
COMMITTEE

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIRST** Report for 1997 and respectfully recommends:

1. (a) That the City decline to accept the Plaintiff Offer to Settle Ontario Court (General Division) Action #21938/90 by the payment to the Plaintiffs, Maria and Rose Giammichele, of the sum of \$135,132.42 inclusive of all claims for damages, interest and costs; and,

 (b) That the City Solicitor be directed to proceed with this matter to a Pre-Trial hearing and to report back to the Finance and Administration Committee thereafter.
2. (a) That the City resolve Ontario Court (General Division) Action #33360/92 by the payment to the Plaintiff, Hermina Morski, of the sum of \$3,500 including all claims for damages, interest and costs; and,

 (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action #33360/92 be dismissed without costs.
3. (a) That the City resolve Ontario Court (General Division) Action #12480/96 by the contribution of the sum of \$1,000, inclusive of all claims for damages, interest and costs, to the sum of money being paid to the Plaintiff Giovanna Pellegrino; and,

 (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Action #12480/96 and all crossclaims in the action be dismissed without costs.

4. That as referred to in Section 5 of the Ninth Report for 1997 of the Transport and Environment Committee approved by City Council on 1997 August 26th, that the cost of land acquisition know as part of 337 Centennial Parkway North in an amount not to exceed \$16,200 be financed from the Reserve for Services Through Unsubdivided Lands, Account Centre No. CH 00107.

5. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Centre Number	Project Description	Authorized Gross Cost	Total Expenditure	Excess Financing
CF 919051011	Library-Automation/Collection Access Phases 2-5	\$181,000	\$181,000	\$0
CF 919151018	Office Automation-1991 Phase	\$75,000	\$75,000	\$0
CF 919151019	Automation/Collection Access-Phase 3	\$223,000	\$223,000	\$0
CF 919241004	Central Library First Floor Renovations	\$542,000	\$541,841	\$159
CF 919251008	Automation & Collection Access- Phase IV	\$90,000	\$90,000	\$0
CF 919251009	Office Automation (1992)	\$84,000	\$84,000	\$0
CF 919351011	Automated Collection Development - Phase 5	\$67,000	\$67,000	\$0

6. (a) That the City of Hamilton provide funding in the amount of \$6,250 toward the \$25,000 cost of a District Energy Feasibility Study being conducted in Hamilton by Natural Resources Canada, which is contributing \$12,500 to the Study and for which the Region of Hamilton-Wentworth is contributing \$6,250; and,

(b) That funding for this contribution be financed from Centre CH24201 - Unclassified; and,

- (c) That the parties jointly endeavour to structure the Project so that funds invested are recovered upon completion of Project financing; and,
 - (d) That the Director of Culture and Recreation be authorized to develop a strategic plan for the renewal of the district heating concept for the City of Hamilton in consultation with other public and private sector stakeholders; and,
 - (e) That the Director of Culture and Recreation report back to the Committee of the Whole during the Capital Budget process.
7. That in recognition of the upcoming Municipal Election and the subsequent Inaugural Meeting that the following changes to the Standing Committee and City Council Meeting Schedule be implemented:
- (a) That the first set of Standing Committee and City Council meetings in November be cancelled; and,
 - (b) That the meeting schedule for 1997 December be amended to reschedule the Standing Committees to the week of 1997 December 8th at dates and times to be co-ordinated with the Regional meeting schedule; and,
 - (c) That the 1997 December City Council meeting be held at 2:00 o'clock p.m. on Tuesday, 1997 December 16th (same day as Regional Council).
8. That excess or surplus capital financing identified during 1997 through the closure of capital project accounts and allocated to the Reserve for Capital Projects Account Centre CH 00203, be used as the source of funding for the following capital grants for a total amount of \$99,920:
- (a) MacNab Street South Y.W.C.A. \$ 60,000.
(to repair exterior brick veneer)

- (b) Hamilton Jewish Home for the Aged,
Shalom Villa
(to reimburse the Villa for City
Development Charges) \$ 4,920.
 - (c) Hamilton Filipino Community Centre
(to be used in the restoration of
the building) \$ 12,500.
 - (d) Portuguese Community Centre
(continuation of funding program
from previous years) \$ 12,500.
 - (e) Hamilton Victoria Curling Club
(to offset cost of repairs and
replacement of equipment) \$ 5,000.
 - (f) The English-Speaking Union of Canada
(relocate operations in Hamilton) \$ 5,000.
9. (a) That the actions of the Chief Administrative Officer be approved in arranging for the Ministry of Environment and Energy to conduct the analysis on sixteen soil samples collected from public parks areas for the presence of PAH (Polycyclic Aromatic Hydrocarbons) at a cost of \$5,600.; and,
- (b) That funding for this expenditure be financed from Centre CH24201 - Unclassified.
10. That after hearing the evidence and submission of the complainant, Norm Westbury, for Hamilton Habitat for Humanity, the Council of the City of Hamilton hereby refunds the development charges imposed on the property located at 271 Jackson Street West pursuant to City of Hamilton Development Charges By-law 95-176 in the amount of \$1,592.05.

11. (a) That J&H Marsh & McLennan, Limited be appointed as the City's Insurance Brokers of Record responsible for the City's complete insurance portfolio and related risk management services for a three year term from 1997 October 15 to 2000 October 15 (subject to annual review by the City Solicitor);
 - (b) That the Mayor and City Clerk be authorized to execute the contract, satisfactory to the City Solicitor in respect of the broker appointment.
 - (c) That J&H Marsh & McLennan, Limited be authorized to initiate a remarket of the City's insurance portfolio upon specifications and deductibles set out by the City Solicitor for consideration by Council on or before 1997 November 25; and,
 - (d) That the City Solicitor be authorized to obtain quotations for consideration by Council of Public Official's Liability Insurance for consideration on or before 1997 November 25.
-
12. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
 - (a) D-56 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1997 October 7th**

COMMITTEE OF THE WHOLE

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **THIRTEENTH** Report for 1997 and respectfully recommends:

- 1.

RESPECTFULLY SUBMITTED

MAYOR ROBERT M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 October 14

NOTICES OF MOTION
FROM PREVIOUS MEETING

NOTICE OF MOTION

Re: Plastimet Fire
Motion put July 17, 1997
August 26, 1997 - postponed
September 30, 1997 - postponed

Alderman M. Kiss gave notice that she would move at the next regular meeting of City Council the following:

That Regional Council be requested to direct the Medical Officer of Health to initiate immediate health assessments of affected residents in the area of the Plastimet Fire and that further assessments of these residents continue for a period of several years to determine the long term health affects of contaminants from the fire.

NOTICE OF MOTION

Re: Residential Care Facilities - Stinson Neighbourhood
Motion put September 30, 1997

Alderman V. Agro gave notice that he would move at the next regular meeting of City Council the following:

"Whereas there are approximately twenty-five residential care facilities currently located within the Stinson Neighbourhood, many of which are legal non-conforming uses, having been established prior to the existing zoning by-law; and,

Whereas there would only be about six such facilities in Stinson if the required distance separation of 180 m. was strictly adhered to, the entire neighbourhood is saturated with such uses, except for a small area near the south-east corner of Stinson; and,

Whereas the number and concentration of such care facilities is a concern to residents in the Stinson Neighbourhood;

Therefore be it resolved that a zoning by-law amendment be undertaken to prohibit residential care facilities in the portion of the Stinson Neighbourhood in which they are presently permitted, namely lands in the vicinity of Alanson Street and the south end of Erie Avenue, and that the various Departments of City Hall be particularly sensitive to this matter and that the rules and regulations pertaining to "non-confirming uses" in the Stinson Neighbourhood be strictly adhered to."

NOTICE OF MOTION

Re: Downtown Development Co-ordinator
Motion put September 30, 1997

Mayor Morrow gave notice that he would move at the next regular meeting of City Council the following:

That the City of Hamilton and the Regional Municipality of Hamilton-Wentworth jointly hire a Downtown Development Co-ordinator, on a contract basis, to bring development to the downtown, co-ordinate projects already in existence, and work with all parties concerned.

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1997 OCTOBER 14
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"West 33rd	Both	Angela to Leslie	1 hr	8 am to 6 pm	Mon - Fri
Brucedale	South	commencing 139 feet east of Upper James and extending 387 feet easterly therefrom	2 hr	8 am to 6 pm	Mon - Fri

West Park	Both	Main to northerly end	1 hr	8 am to 6 pm	Mon - Fri"
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and by deleting therefrom the following item, namely:-

"West Park	Both	Main to Sanders	1 hr	8 am to 6 pm	Mon - Fri"
------------	------	-----------------	------	--------------	------------

2. That **Schedule 26 (No parking Areas)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Bonaventure	North	Clifton Downs (east leg) to Clifton Downs (west leg)	Anytime"
--------------	-------	--	----------

3. That **Schedule 34 (Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Francis	South	commencing 197 feet east of Douglas and extending to a point 21 feet southerly therefrom	Anytime
----------	-------	--	---------

Clinton	North	commencing 101 feet west of the west curb line of Ruth and extending to a point 19 feet westerly therefrom	Anytime
---------	-------	--	---------

Carrick	East	commencing 210 feet south of Dunsmure and extending to a point 16 feet southerly therefrom	Anytime"
---------	------	--	----------

and by deleting the following item, namely:-

"Catharine	East	commencing at a point 166 feet north of Macauley and extending to a point 27 feet northerly therefrom	Anytime"
------------	------	---	----------

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this

day of

1997.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"West 33rd	Both	Angela to Leslie	1 hr	8 am to 6 pm	Mon - Fri
Bruceale	South	commencing 139 feet east of Upper James and extending 387 feet easterly therefrom	2 hr	8 am to 6 pm	Mon - Fri
West Park	Both	Main to northerly end	1 hr	8 am to 6 pm	Mon - Fri"

and by deleting therefrom the following item, namely:-

"West Park	Both	Main to Sanders	1 hr	8 am to 6 pm	Mon - Fri"
------------	------	-----------------	------	--------------	------------

2. That **Schedule 26 (No parking Areas)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Bonaventure	North	Clifton Downs (east leg) to Clifton Downs (west leg)	Anytime"
--------------	-------	--	----------

3. That **Schedule 34 (Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Francis	South	commencing 197 feet east of Douglas and extending to a point 21 feet southerly therefrom	Anytime
Clinton	North	commencing 101 feet west of the west curb line of Ruth and extending to a point 19 feet westerly therefrom	Anytime
Carrick	East	commencing 210 feet south of Dunsmure and extending to a point 16 feet southerly therefrom	Anytime"

and by deleting the following item, namely:-

"Catharine	East	commencing at a point 166 feet north of Macauley and extending to a point 27 feet northerly therefrom	Anytime"
------------	------	---	----------

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this

day of

1997.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 141

Respecting:

**LANDS LOCATED SOUTH OF RYMAL ROAD WEST AND
EAST OF UPPER PARADISE ROAD WITHIN
THE CARPENTER NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 141 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1997

CITY CLERK

MAYOR

(1997) 13 R.P.D.C. 2, September 30
DiCenzo Construction Company Limited and Vedemo Construction Ltd., Owner
SAC-97-04/Carpenter Neighbourhood

Amendment No. 141
to the
City of Hamilton Official Plan

The following text, together with Schedule "A"- Land Use Concept of the Official Plan, attached hereto, constitute Official Plan Amendment No. 141.

Purpose:

The purpose of this Amendment is redesignate land in the Carpenter Neighbourhood to implement the consolidation of parkland in the neighbourhood.

Location:

The lands affected by this Amendment are located south of Rymal Road West and east of Upper Paradise Road, within the Carpenter Neighbourhood.

Basis:

The basis for the redesignation is as follows:

- 1) This amendment will allow for consolidation of two smaller neighbourhood parks into one combined neighbourhood and community park;
- 2) The consolidated park will provide for enhanced park facilities within the expanded park area which could not have been provided in the two smaller parks; and,
- 3) The consolidated park is appropriately located within the neighbourhood to provide access for all future residents of the neighbourhood.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Residential" to "Open Space" and from "Open Space" to "Residential", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law Amendment and Plan of Subdivision will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A **amendment no. 141**

to the
official plan
for the
city of hamilton

areas to be changed from:
"Open Space" to "Residential"
"Residential" to "Open Space"

date
Sept. 1987

drawn by
DL

reference the no.
OPA 141

Lake Ontario

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

Hamilton Harbour

Cootes
Paradise

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- transportation
- other
- unclassified (other use)
- development with
environmental features
- sub regional centre

schedule A
to the official plan
for
the city of hamilton

August 8 1988

0 500 1000 2000
feet



The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Allison Estates - Phase 4" Subdivision, Plan 62M-823
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements, shall not apply to the following lands:

Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, within Registered Plan Number 62M-823, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.
2.
 - (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.
 - (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
 - (c) This By-law shall expire on October 1, 1998.

PASSED this day of

A.D. 1997.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 86-73

As Amended by By-laws No. 92-058 and 97-105

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT
OF THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA**

WHEREAS By-law No. 86-73, passed on the 11th day of February 1986, continued the Board of Management established by By-law No. 83-71, passed on the 22nd day of February 1983, of the Improvement Area designated by By-law No. 82-151, passed on the 29th day of June 1982, known as the "Downtown Hamilton Business Improvement Area", more particularly described in By-law No. 82-151, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 92-058, passed on the 11th day of February 1992 varied the composition of the Board of Management and provided for an editorial amendment to By-law No. 86-73;

AND WHEREAS By-law No. 97-105, passed on the 13th day of May 1997, varied the composition of the Board of Management;

AND WHEREAS it is expedient to repeal By-law No. 97-105;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 14th Report of the Planning and Development Committee at its meeting held on the 30th day of September 1997, directed that the composition of the Board of Management be further varied, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" referred to in clause 2(b) of By-law No. 86-73, as amended, is repealed and the following substituted therefor:

J. Livingston
R. Harris
C. Jamieson

Livingston Furs
Harris and Henderson
Fever Night Club/The Parlour/Montfort Restaurant

A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jeset Investments
K. Wiegand	McCarthy Hearing Aids

2. By-law No. 97-105 is hereby repealed in its entirety.

3. In all other respects, By-law No. 86-73, as amended, is hereby confirmed, unchanged.

PASSED this day of

A.D. 1997

CITY CLERK

MAYOR

(1997) 14 R.P.D.C. 6, September 30

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 607 QUEEN VICTORIA DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-49B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family) District, the land comprised in Block 1; and
- (b) by changing from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family - Holding) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land comprised in Block 2 shall be removed conditional upon the lands being assembled with the adjoining lands to the south for development;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1.(b) may at such time proceed in accordance with the "R-4" District provisions.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

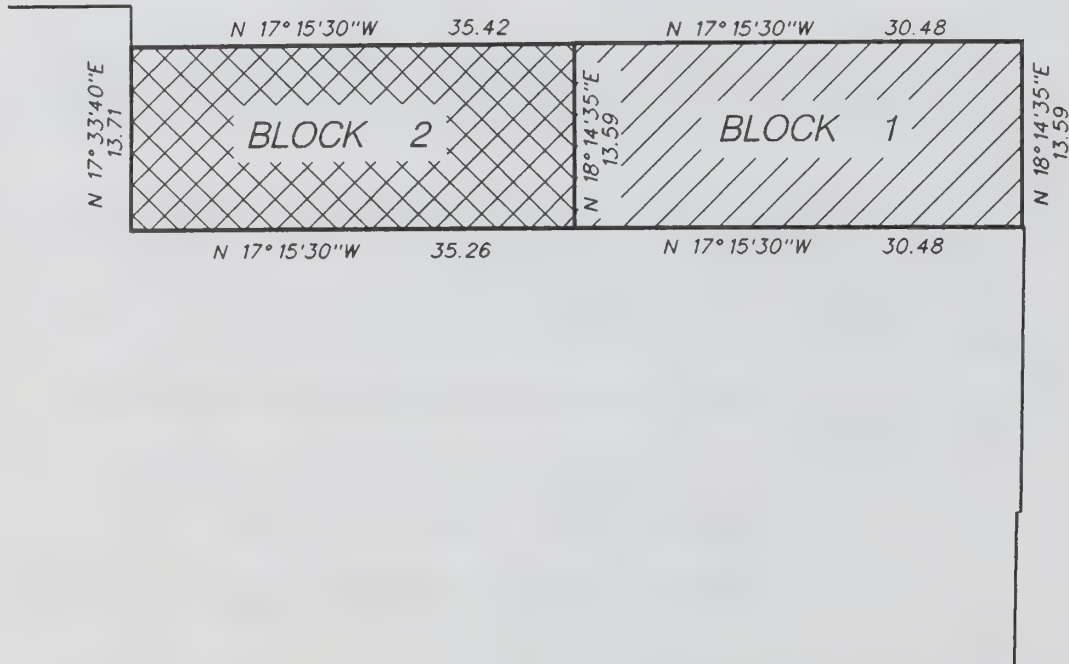
day of

A.D. 1997

CITY CLERK

MAYOR

LOCONDER DRIVE



QUEEN VICTORIA DRIVE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the day of, 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 97-____

to Amend By-Law No. 6593

Planning and Development Department

Legend
Change in zoning from:

BLOCK 1



"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detach) District;

BLOCK 2



"AA" (Agricultural) District to "R-4"-H' (Small Lot Single-Family Detach - Holding) District;

North



Scale
NOT TO SCALE

Date
October 1997

Reference File No.

ZAC-96-09

Drawn By

B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Eaglewood Manor" Subdivision, Plan 62M-622
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of creating two lots having a minimum width of 12.0 m and a third lot having a minimum width of 15.0 m shall not apply to the following lands:

Block 19 within Registered Plan Number 62M-622, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2.
 - (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
 - (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
 - (c) This By-law shall expire on July 15, 1998.

PASSED this day of

A.D. 1997.

City Clerk

Mayor

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 14TH DAY OF OCTOBER A.D., 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 14th day of October A.D. 1997

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1997 October 28
7:30 o'clock p.m.
Council Chambers, City Hall**

NOV 4 1997

GOVERNMENT DOCUMENTS

J. J. Schatz, City Clerk

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer: Rev. J. Mark Lewis
MacNab Street Presbyterian Church**

3. Presentations:

- (a) Trillium Awards**
- (b) Certificates of Recognition**

Hamilton & District Florist Association

"The Enterprise Beginnings Program"

Hamilton's Business Improvement Areas

Elvidio Aldana	Susan Amer
Craig Armstrong	Jennifer Balshaw
Mike Cole	Karen Comeau
Greg Cooke	Paul Davies
Rose DelGobbo	David Ekins
Cynthia Fratton	Jeremy Kane
Aaron MacDonald	Karen Regan
William Romberg	Katherine Wigmore

- 4. Adoption of the minutes of the meeting held 1997 October 14.**
- 5. Presentation of petitions and correspondence by the Clerk.**
- 6. Reference of Correspondence\Petitions by the Mayor.**
- 7. Motion to move into Committee of the Whole on the Reports.**

8. Consideration of Standing Committee Reports:

- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*

9. Motion to Adopt the Report of the Committee of the Whole .

10. Notice of Motion from previous meeting - Mayor R. Morrow
- postponed from Sept. 30

11. Notices of Motion for next meeting.

12. Motion to appoint Alderman B. Charters as Acting Mayor for the month of November, 1997.

13. Question Period.

14. Adjournment.

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 October 14
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Jackson.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Collins, Charters, Merling, Anderson, D'Amico, Ross.

Absent: Mayor R. M. Morrow - civic business
Alderman F. Eisenberger - civic business

Acting Mayor Jackson called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Rev. Father David Wilhelm, Cathedral Christ the King Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1997 September 30 were adopted as circulated.

PRESENTATION

Donald Shaw presented pictures of Hamilton's peregrin falcons. Mr. Shaw spoke to Council about a family of rare peregrin falcons that have made their home in Hamilton since 1995. He outlined the events which have taken place since that time and spoke with great enthusiasm about the nesting, and the resulting lowering of pigeons and seagulls in the downtown. Mr. Shaw, a freelance photographer, then made a presentation of a number of photographs of the falcons to Acting Mayor Jackson.

CORRESPONDENCE

1. Letter dated 1997 September 14 from Mrs. Betty Bechtel re Conflict of Interest.

Referred to the Planning and Development Committee.

2. Application dated 1997 October 9 from Rosland Properties Inc. 226 South Service Rd. E., Oakville, Ontario, for removal of the 'H' Holding Provision for lands located at 1468-1530 Upper James Street, Hamilton, Ontario.

Referred to the Planning and Development Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Merling, Anderson, D'Amico, Ross. -15

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT

Section 26 - Environmental Assessment Staff Advisory Committee be established

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 26 of the Eleventh Report of the Transport and Environment Committee for 1997 be amended by adding the following as Sub-Section (d):

- "(d) That the Chief Administrative Officer be directed to establish an Environmental Assessment Staff Advisory Committee with representation from the Fire Department, Planning Department, Public Works and Traffic Department, Building Department, Police Department, Law Department and the Regional Environment Department, to meet on a regular basis with a mandate of undertaking a multidisciplinary review of environmental matters and to report through the Director of Planning and Development to the Transport and Environment Committee."

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - FIFTEENTH REPORT

Section 12 (f) and (g) Re: Bill C-71 and Bill C-72

It was moved by Alderman Drury and seconded by Alderman D'Amico that the following Bills be added to the Fifteenth Report for 1997 of the Planning and Development Committee as sub-section (f)(g) of Section 12 as follows:

- (f) C-71 A By-law to remove land within the "Sandrina Gardens, Phase 2" Subdivision, Plan 62M-780 from Part Lot Control
- (g) C-72 A By-law to amend Zoning By-law No. 6593 respecting lands located west of Upper Wellington Street and north of Rymal Road East. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - TWENTY FIRST REPORT

Section 11 Re: J&H Marsh & McLennan, Limited appointed as City's Insurance Brokers of Record

It was moved by Alderman Anderson and seconded by Alderman D'Amico that Section 11 of the Twenty-First Report of the Finance and Administration Committee be referred back.

CARRIED.

COMMITTEE OF THE WHOLE - THIRTEENTH REPORT

Section 1 Re: Hamilton Harbour Commissioners

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Collins, Charters, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Wilson, Merling. -2.

CARRIED.

NOTICE OF MOTION FROM PREVIOUS MEETING

Re: Plastimet Fire
Motion put July 17, 1997
August 26, 1997 - postponed
September 30, 1997 - postponed

It was moved by Alderman Kiss and seconded by Alderman Caplan:

That Regional Council be requested to direct the Medical Officer of Health to initiate immediate health assessments of affected residents in the area of the Plastimet Fire and that further assessments of these residents continue for a period of several years to determine the long term health affects of contaminants from the fire.

CARRIED.

NOTICE OF MOTION FROM PREVIOUS MEETING

Re: Quebec Separation
Motion approved September 30, 1997 (pages 853/854)

It was moved by Alderman Ross and seconded by Alderman D'Amico:

That the Notice of Motion moved by Alderman Ross and seconded by Alderman D'Amico and approved by City Council at its meeting held Tuesday, 1997 September 30th respecting Quebec Separation be amended by deleting the last paragraph of the motion concerning the distribution of the motion and inserting in lieu thereof the following:

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the local M.P.P.'s, the local M.P.'s, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, the Premier of Quebec and Anthony Housefather, Executive Member, Quebec Committee for Canada. **CARRIED.**

Motion as amended:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved **THAT** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the local M.P.P.'s, the local M.P.'s, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, the Premier of Quebec and Anthony Housefather, Executive Member, Quebec Committee for Canada.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole and resolutions be adopted.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury,
 Morelli, Copps, Wilson, Collins, Charters, Merling, Anderson, D'Amico, Ross. -
 15

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:00 o'clock p.m.

* * * * *

Taken as read and approved.

ACTING MAYOR T. JACKSON

J. J. Schatz
1997 October 14
JJS/dg

C O R R E S P O N D E N C E

Correspondence:

1. Application dated 1997 October 14 from Nicola and Rosalba Clarizio, 130 Fieldway Drive, Hamilton, Ontario for further modification to the "C" (Urban Protected Residential, etc.) District for 852 Upper Wentworth Street, Hamilton, Ontario.

Recommendation: Be Received.

REPORTS

**PARKS & RECREATION
COMMITTEE**

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1997 and respectfully recommends:

1. That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126 as amended, be granted to the City of Hamilton to hold two stationary fireworks displays, each one minute in length, at Commonwealth Square on Wednesday, 1997 December 31, at approximately 8:15 o'clock p.m. and 12:00 o'clock midnight, subject to the Terms and Conditions of the Special Events Guidelines.
2. That approval as required by Parks By-law No. 95-126 as amended, Section 37 - to bring animals into a park, be given to the City of Hamilton to bring reindeer into Gore Park during the 1997 Christmas Celebrations, subject to the Terms and Conditions of Special Events Guidelines.
3.
 - (a) That football equipment held by the City of Hamilton after the dissolution of the Hamilton Hurricanes presently stored at the HAAA grounds be donated to the newly formed Junior football team - The Hamilton Junior Football Club Inc., and;
 - (b) That the remainder of the equipment and supplies be returned to the Hamilton Minor Football Association.
4. That the Director of Culture and Recreation be authorized to proceed with a grant application on behalf of the Arts Advisory Commission to the Hamilton Community Foundation for funding up to \$10,000 to undertake a cultural activities analysis for the City of Hamilton.
5.
 - (a) That the City Treasurer be authorized and directed to carry over to 1998 surplus funds generated from the Celebration '96 OPA Annual General Meeting hosted by the Parks Division in the amount of approximately \$7,690 and to credit this amount to the 1998 Operating Budget Centre 62001 56005 - Computer Software; and,

- (b) That the Manager of Parks be authorized to access the Celebration '96 surplus funding for the purpose of undertaking design and implementation of a Home Page specific to the City's Parks system, and to link this web site on the City's Corporate Home Page.
6. That the format of the Annual Decoration Day Parade and Service held under the auspices of the Hamilton Veterans Committee, the purpose of which is to decorate the graves of fallen and departed Veterans, be changed to consist only of a morning Parade and Service to be held on the second Sunday in the month of June each year, alternated between Woodland Cemetery (Sections 5 and 18) and Hamilton Cemetery.
7. (a) That approval be given to issue a Purchase Order to Edwin Rowse Architect Ltd. of Toronto, Ontario as the Consulting Architectural Firm for the Hamilton Museum of Steam and Technology conservation of the 1859 buildings, the barrier free design modifications and the concrete slab repairs projects in the amount of \$108,075 plus applicable Goods and Service Taxes of \$7,565 to a total of \$115,640, as the most closely qualified and acceptable of two (2) invited and pre-qualified bids received in accordance with Request For Proposals issued; and,
- (b) That a contract be entered into satisfactory to the City Solicitor; and,
- (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
- (d) That Director of The Department of Culture and Recreation be authorized to carry and expense a maximum of \$21,360 to cover any unforeseen site conditions which may affect the project scope; and,
- (e) That the work, including the contingency, be financed proportionately from the following Capital Accounts: Steam Museum Pumphouse Restoration (Cost Share Account) CF 719241003, Barrier Free Access, All City Buildings (M1610101), CF 809453005, Risk Management, Various C&R Facilities, CF 709755034.
8. (a) That approval be given to issue a Purchase Order to UMA Engineering Ltd. of Mississauga, Ontario as the selected firm to conduct the Engine(s) Restoration work at The Hamilton Museum of Steam and Technology as per the restoration scope of work in the Federal Cost Share Programme, in the amount of \$450,000 plus applicable Goods and Service Taxes of \$31,500 to a total of \$481,500, as the most closely qualified and acceptable of two (2) invited and pre-qualified bids received in accordance with Request For Proposals issued; and,

- (b) That a contract be entered into satisfactory to the City Solicitor; and,
 - (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
 - (d) That the work, including the contingency, be financed from Capital Account: Steam Museum Pumphouse Restoration (Cost Share Account) CF 719241003.
9. (a) That the Director of Culture and Recreation be authorized to develop a Christmas Positively Downtown Promotion in conjunction with other stakeholders to an upset limit of \$10,000; and,
- (b) That this expenditure be financed from the surplus funding remaining in the summer Positively Downtown promotion, Account No. CH55303 78009.
10. (a) That the Director of Culture and Recreation be authorized to contact both Federal and Provincial Government Departments in order to determine availability of grant funding for the 2000 International Children's Games Festival; and,
- (b) That the Director of Culture and Recreation be authorized to develop a strategic plan for the development and hosting of these Games with the Hamilton Committee of the International Children's Games and other stakeholders for consideration by Committee at its January 1998 meeting; and,
- (c) That Council express its appreciation to Mr. John Kiriakopolous for his efforts in achieving approval, in principle, for Hamilton to host the millennium International Children's Games.
11. (a) That a purchase order be issued to Sona Construction Limited, Hamilton, Ontario in the amount of \$243,666 plus applicable taxes and contingency for a total of \$282,122.62 for the T. B. McQuesten Park Multi-Purpose Building being the lowest acceptable tender received in accordance with specifications C16-4597 issued by the Purchasing Division and vendor's tender, and be financed from Capital Funds Account No. CF 5010 629254005 - T. B. McQuesten Park Development; and,
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and Sona Construction Limited of Hamilton, Ontario; and,

- (c) That the Mayor and City Clerk be authorized to execute the associated contract in a form satisfactory to the City Solicitor.
- 12.
- (a) That the City acquire the 4.45 acre former Forest Avenue Rail Yard from CP Rail (formerly The Toronto, Hamilton and Buffalo Railway Company Limited) for the purchase price of \$1,100,000 for purposes of a park in the Corktown Neighbourhood; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized and directed to retain a consultant specializing in environmental site assessment and remediation:
 - (i) to advise on the definition of the appropriate residential standard/condition of the property against which CP Rail's remediation work on the site prior to the City's purchase shall be measured; and,
 - (ii) to review existing Phases 1 and 2 Environmental Assessments of the site, comment on their completeness and appropriateness for purposes of the City's intended park use; and,
 - (iii) to inspect CP Rail's site cleanup/remediation work to ensure it is carried out in compliance with the City's requirements as specified in our Offer's conditions prepared pursuant to the expert advice received from our consultant. At a minimum this work would have to meet the MOEE land use guidelines for park uses; and,
 - (c) That an Offer To Purchase the said Rail Yard from CP Rail (and its lessee, The Toronto, Hamilton and Buffalo Railway Company Limited) be executed by the Mayor and City Clerk in a form satisfactory to the City Solicitor incorporating the following conditions:
 - (i) land described as Parts 1, 2 and 3 on Plan 62R-12786, comprising 1.80 hectares (4.45 acres); and,
 - (ii) purchase price \$1,100,000: deposit \$225,000; and,
 - (iii) as purchase price on premise that site will be put in a condition suitable for residential use, City's purchase is conditional upon the Vendor, CP Rail, at its expense remediating the property to the applicable environmental standard; and,

- (iv) the applicable environmental standard shall be the standard determined and fixed by the City's environmental consultant and included as a condition in the said proposed Offer; and,
 - (v) the Vendor preparing and submitting for approval of the City Clerk an environmental remediation work plan at a cost not to exceed \$5,000, to be financed from the Capital Budget for the Acquisition of CP Lands, Account Centre CF 409750010; and,
 - (vi) the City and its consultant having the right to inspect the property for compliance with the environmental condition required in our Offer; and,
 - (vii) assuming the Vendor has fulfilled the City's conditions, closing of the purchase shall be on 1998 February 26; and,
- (d) That the purchase price of \$1,100,000 and the costs of the consultant be financed from the Capital Budget for the Acquisition of CP Lands, Account Centre CF 409750010.
13. (a) (i) That the property owned by the City of Hamilton on Edgewater Crescent, Burlington, being Parts 1, 2, 3 and 4 on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law; and,
- (b) (i) That an Offer to Purchase part of the Edgewater Crescent property for the price of \$8,753, executed by F. W. Dunton and M. Dunton and M. R. Stanbury, dated 1997 October 7, be accepted. The said land has an area of 187.26 square metres (2,015.71 square feet) more or less, being Part 2 on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited, said transaction scheduled to close on 1998 January 16. Funds derived from this sale be credited to Account No. CH4X501 00201 (5% Park Dedication Fund); and,
- (ii) That the required deposit cheque in the amount of \$875 be held by the City Treasurer pending Council approval; and,

- (iii) That the Offer be approved subject to a clause which states:
 - (1) that the herein transaction be conditional until closing upon the contemporaneous closing of Parts 1, 3 and 4, respectfully on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited. In the event that any one of the transactions set out above does not close, the herein transaction shall be at an end and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs; and,
- (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) an appraisal of the fair market value of the real property intended to be sold was obtained on 1997 October 21; and,
- (c)
 - (i) That an Offer to Purchase part of the Edgewater Crescent property for the price of \$8,753, executed by J. E. Pickfield, dated 1997 October 7, be accepted. The said land has an area of 267.91 square metres (2,883.8 square feet) more or less, being Part 3 on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited, said transaction scheduled to close on 1998 January 16. Funds derived from this sale be credited to Account No. CH4X501 00201 (5% Park Dedication Fund); and,
 - (ii) That the required deposit cheque in the amount of \$875 be held by the City Treasurer pending Council approval; and,
 - (iii) That the Offer be approved subject to a clause which states:
 - (1) that the herein transaction be conditional until closing upon the contemporaneous closing of Parts 1, 2 and 4, respectfully on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited. In the event that any one of the transactions set out above does not close, the herein transaction shall be at an end and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs; and,

- (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) an appraisal of the fair market value of the real property intended to be sold was obtained on 1997 October 21; and,
- (d) (i) That an Offer to Purchase part of the Edgewater Crescent property for the price of \$3,742, executed by D. I. McIntyre and B. A. McIntyre, dated 1997 October 7, be accepted. The said land has an area of 104.09 square metres (1,120 square feet) more or less, being Part 1 on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited, said transaction scheduled to close on 1998 January 16. Funds derived from this sale be credited to Account No. CH4X501 00201 (5% Park Dedication Fund); and,
- (ii) That the required deposit cheque in the amount of \$370 be held by the City Treasurer pending Council approval; and,
- (iii) That the Offer be approved subject to clauses which state:
 - (1) that the herein transaction be conditional until closing upon the contemporaneous closing of Parts 2, 3 and 4, respectfully on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited. In the event that any one of the transactions set out above does not close, the herein transaction shall be at an end and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs; and,
- (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) an appraisal of the fair market value of the real property intended to be sold was obtained on 1997 October 21; and,

- (e)
 - (i) That an Offer to Purchase part of the Edgewater Crescent property for the price of \$8,753, executed by B. Golda and M. Syty-Golda, dated 1997 October 7, be accepted. The said land has an area of 283.31 square metres (3,049.62 square feet) more or less, being Part 4 on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited, said transactions scheduled to close on 1998 January 16. Funds derived from this sale be credited to Account No. CH4X501 00201 (5% Park Dedication Fund); and,
 - (ii) That the required deposit cheque in the amount of \$875 be held by the City Treasurer pending Council approval; and,
 - (iii) That the Offer be approved subject to a clause which states:
 - (1) that the herein transaction be conditional until closing upon the contemporaneous closing of Parts 1, 2 and 3, respectfully on Plan 92-1095-2 prepared by MacKay, MacKay & Peters Limited. In the event that any one of the transactions set out above does not close, the herein transaction shall be at an end and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs; and,
 - (iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) satisfactory notice has been given to the public of the intended sale; and,
 - (2) an appraisal of the fair market value of the real property intended to be sold was obtained on 1997 October 21.
14.
 - (a) That approval be granted to the Hamilton Ringette Association to implement a three year repayment plan of outstanding ice rental fees to the City of Hamilton without impact upon their operating program; and,
 - (b) That this repayment plan be subject to the approval of the City Treasurer; and,

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- (c) That a contract for the repayment of funds be drafted in a form satisfactory to the City Solicitor.

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1997 October 21st

**PLANNING & DEVELOPMENT
COMMITTEE**

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1997 and respectfully recommends:

1. (a) That approval be given to City Initiative 97-E, for further modifications to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and the "M-13" (Prestige Industrial) District regulations for Block "2", to delete a miniature golf course as a permitted use, for lands located at No. 467 Charlton Avenue East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the special provisions contained in Section 2. of By-law No. 87-309, applicable to the "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1", and the "M-13" (Prestige Industrial) District regulations for Block "2", be deleted; and,
 - (ii) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,
 - (iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. (a) That the Corktown Neighbourhood Plan, 1997 Update attached hereto and marked Appendix "B", be adopted; and,
 - (b) That the Corktown Implementation Project List, as outlined in the Corktown Neighbourhood Plan, be forwarded to the appropriate departments for implementation with co-ordination of the implementation plan overseen by the Planning and Development Department.
3. That Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan, to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive

(Lapp property), as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:

- (a) the design of the "U" shaped building has the effect of creating a walled off community and there may be other design alternatives;
 - (b) there is only one access to the site;
 - (c) there are safety concerns given the site's proximity to the Public Works yard and Rail yard and furthermore, these uses are designated for industrial uses; and,
 - (d) the site is isolated from the rest of the community.
4. (a) That a McMaster University Area Neighbourhood Task Force be established for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University area Neighbourhood; and,
- (b) That this Task Force consist of representatives from the McMaster University Neighbourhood Working Group, the two Ward Aldermen, the City's Law Department, Building Department and Planning Department.
5. (a) That as part of the 1998 Capital Budget Review Process, a submission be made in the amount of \$95,000 for the preparation of a Downtown Secondary Plan; and,
- (b) That the Director of Planning and Development initiate and co-ordinate the formation of a staff resource team comprised of representatives from appropriate City Departments to oversee the preparation of the Capital Budget Submission, Terms of Reference and the preparation of the Downtown Secondary Plan.
6. (a) That approval be given to Zoning Application 97-32, Rosart Properties, owner, requesting a removal of the "H" (Holding) symbol provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow for the development of the subject lands as a commercial development located at 1468 - 1530 Upper James Street, shown on the attached map marked as Appendix "D"; and,

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law Nos. 97-139 and 91-143, for presentation to City Council.
- 7. (a) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to amend By-law No. 208, a By-law to remove part-lot control from Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on Appendix "E"; and,
(b) That the City Solicitor be directed to prepare a By-law to amend Section 1. of By-law No. 97-208, to remove part lot control from Block 18, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, for presentation to City Council; and,
(c) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law.
- 8. That the Building Commissioner be authorized to issue a demolition permit for 555 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 9. That the Building Commissioner be authorized to issue a demolition permit for 13 Frederick Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 10. (a) That approval be given to Official Plan Amendment No. 143 to redesignate the subject lands from "Major Institutional" (front portion of the site) and "Open Space" (rear portion of the site) to "Residential" as shown on the attached marked as Appendix "F", for the property municipally known as No. 220 Dundurn Street South, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
(b) That approval be given to Zoning Application 97-26, Alexander Street Lofts Development Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District modified, to permit the conversion and expansion of the existing building for 60 apartment units, for the property located at No. 220

Dundurn Street South, shown on the attached map marked as Appendix "G", on the following basis:

- (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

- (1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE; and,
- (2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment; and,
- (3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon completion of a noise feasibility study, a study demonstrating the development will not be adversely affected by noise, odour, dust and vibration and the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,

- (ii) That the subject lands be rezoned from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" (Low Density Multiple Dwellings, etc.) District; and,
- (iii) That the "DE" (low Density Multiple Dwellings) District, as contained in Section 10A of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10A(2), the height of the building

shall not exceed 4 storeys and 18 m; and,

- (2) That notwithstanding Section 10A(3), additions over the existing foundation shall maintain the existing front and side yard setbacks; and,
- (3) That notwithstanding Section 18(4)(ii), two accessory structures, for the exclusive use of people residing at No. 220 Dundurn South, shall be permitted provided that:
 - (a) One accessory structure, not exceeding 165 m² in area, may be used for the purposes of storage, a garden shed, and woodworking area; and,
 - (b) One accessory structure not exceeding 275 m² in area, may be used for the purposes of storage, locker/change room, washroom facilities, and amenity area; and,
- (4) That notwithstanding Section 18(4)(iii), the height of an accessory structure shall not exceed 6.0 m; and,
- (5) That notwithstanding Section 18 (4)(iv), a minimum 9.0 m southerly side yard setback shall be provided and maintained for an accessory structure; and,
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1391, and that the subject lands on Zoning District Map W-23 be notated S-1391; and,
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council; and,
- (vi) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 143 by the Regional Municipality of Hamilton-Wentworth; and,
- (vii) That upon finalization of the implementing zoning By-law, the Kirkendall Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" (front portion) and "Open Space" (rear portion) to "Medium Density Apartments".

11. (a) That approval be given to Official Plan Amendment No. 144 to establish a Special Policy Area to permit a physiotherapy clinic within the "Residential" designation for property known municipally as 245 Mohawk Road West and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to amended Zoning Application ZAC-97-22, Kaz Kusmierczak, prospective owner, for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West, as shown on the attached map marked as Appendix "H", to permit a physiotherapy clinic within the existing building, on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 9.(1) of Zoning By-law No. 6593, a physiotherapy clinic within the building existing at the date of the passing of the By-law and a 75 square metre addition to the existing building shall be permitted; and,
 - (2) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 5.5 metres shall be provided and maintained; and,
 - (3) That notwithstanding Section 9.(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and maintained for a one storey building; and,
 - (4) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 21 parking spaces shall be provided and maintained; and,
 - (5) That notwithstanding Section 18A.(5)(c) of Zoning By-law No. 6593, "floor area" means the area contained within the perimeter of the building at each floor level, including storeys below grade; and,
 - (6) That notwithstanding Section 18A.(11)(a) of Zoning By-law No. 6593, the parking area shall be not less than 1.1 m from the westerly side lot line; and,

- (7) That notwithstanding Section 18A.(11)(b) of Zoning By-law No. 6593, the parking area shall be not less than 5.8 m from the northerly front lot line; and,
 - (8) That notwithstanding Section 18A.(1)(d) of Zoning By-law No. 6593, a loading space shall not be required for a physiotherapy clinic; and,
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1392, and that the subject lands on Zoning District Maps W-9 and W-17 be notated S-1392; and,
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9 and W-17 for presentation to City Council; and,
 - (c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".
12. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-73 A By-law to Amend Zoning By-law No. 87-309 Respecting Lands Located at Municipal No. 467 Charlton Avenue East.
 - (b) C-74 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 787-791 Barton Street East.
 - (c) C-75 A By-law to Adopt Official Plan Amendment No. 143 Respecting Lands Located at Municipal No. 220 Dundurn Street South Within the Kirkendall North Neighbourhood.
 - (d) C-76 A By-law to Amend Zoning By-law 6593 as Amended by By-law Nos. 91-143 and 97-139 Respecting Lands Located at Municipal Nos. 1468 - 1530 Upper James.
 - (e) C-77 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street.

1997 October 28

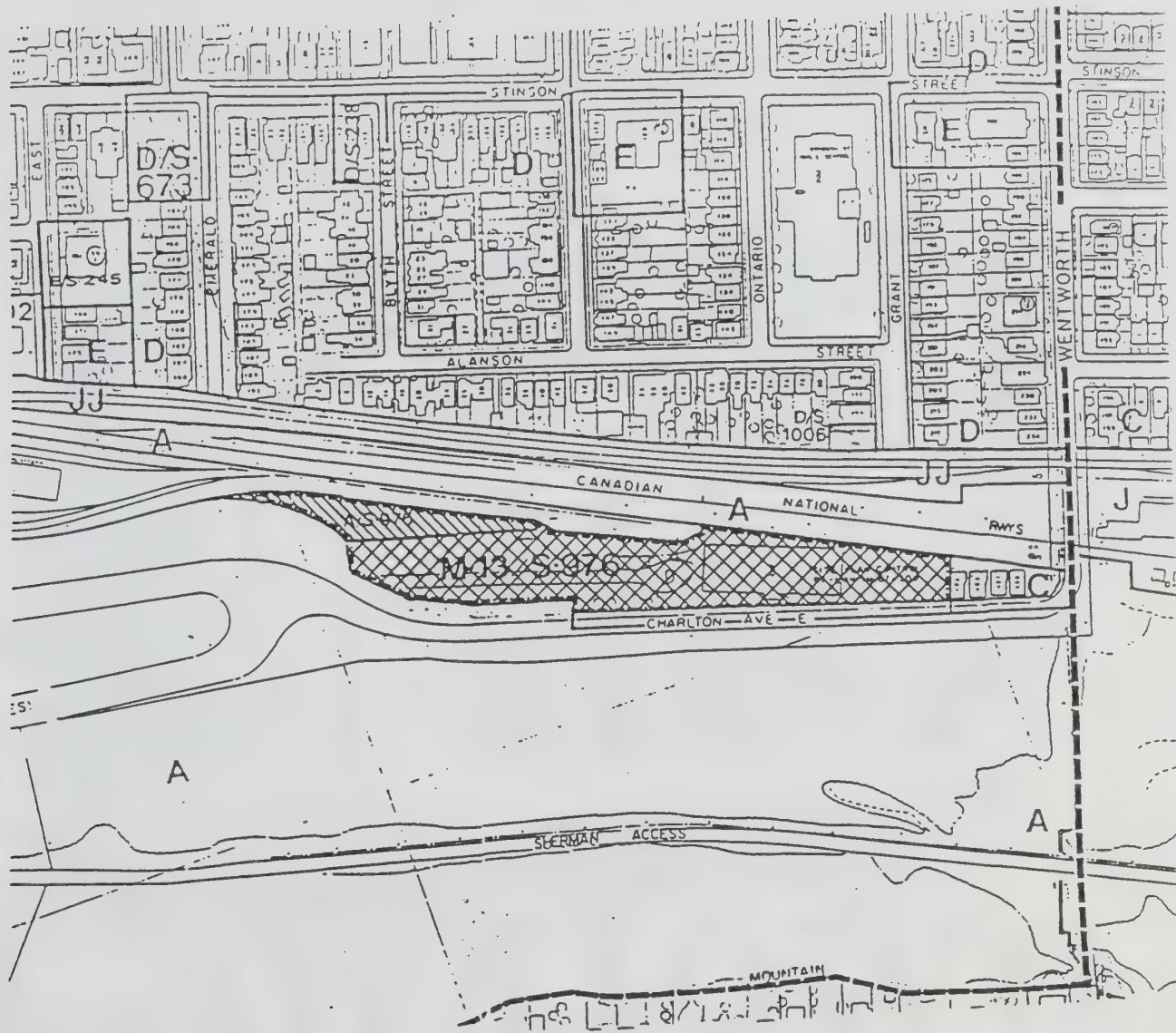
- (f) C-78 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located South of Rymal Road West, North of the City of Hamilton/Township of Glanbrook Municipal Boundary, West of Upper Wellington Street and East of Springside Drive.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE**

**Susan K. Reeder
Acting Secretary
1997 October 21**

1997 October 28



Legend

Proposed Further Modification to the Established :



"A"(Conservation, Open Space, Park and Recreation) District.



"M-13" (Prestige Industrial) District.

Reference File No.

CI-97-E

Drawn By	Date
R.L.	Sep. 1997

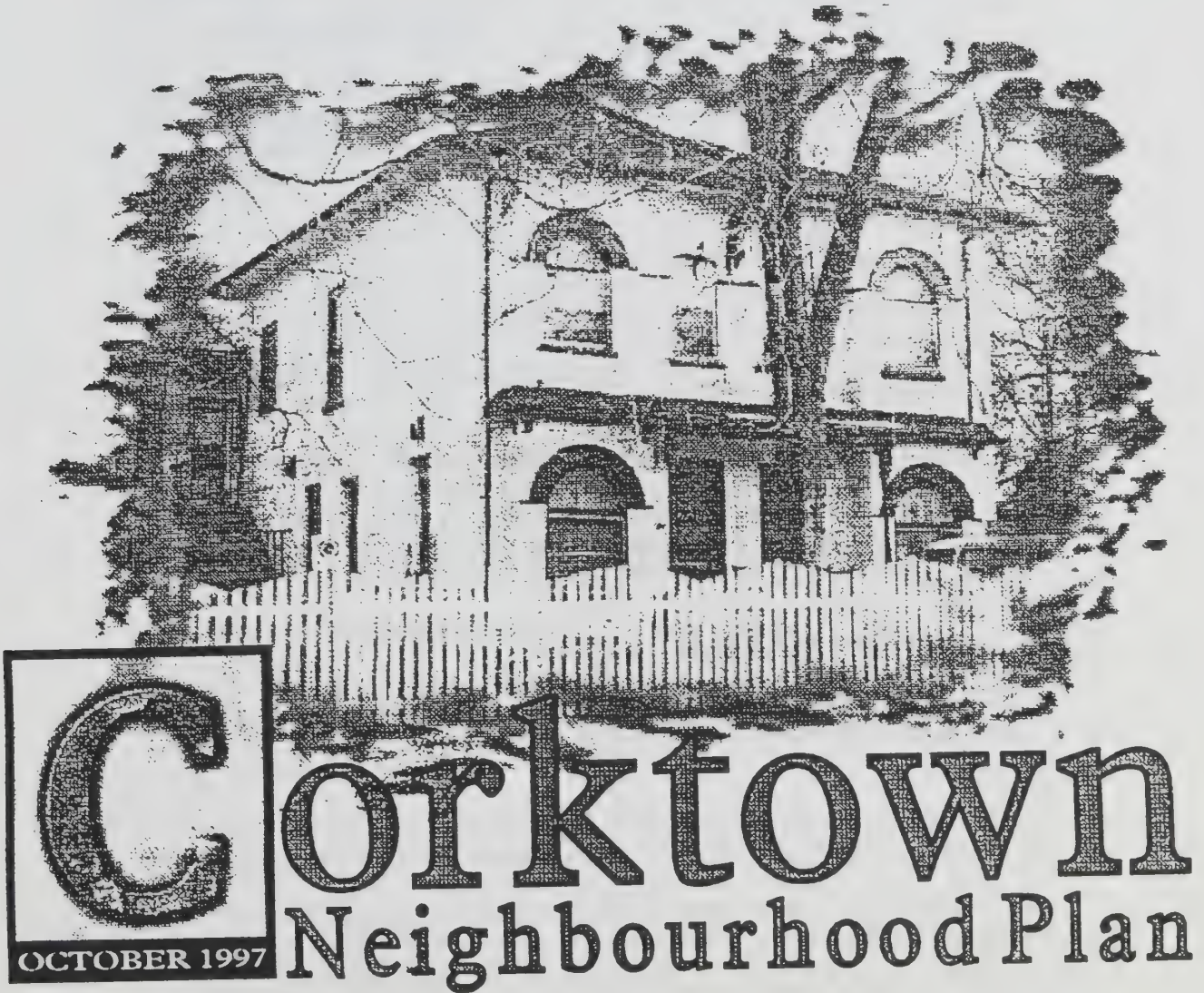
Scale

Not to Scale

North



1997 October 28



Corktown

Neighbourhood Plan

1997 October 28

CORKTOWN NEIGHBOURHOOD PLAN

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Planning and Development Department, October 1997

INTRODUCTION

1. Corktown Neighbourhood

Corktown is one of 137 neighbourhoods in Hamilton. It stretches from Main Street East to the Niagara Escarpment Brow and from James Street South to Wellington Street South. It contains the south east quadrant of the City of Hamilton's downtown. Over 6,300 people live in the 186 acres which make up the Corktown neighbourhood.

Corktown was one of the earliest settlement areas in Hamilton. Original development consisted of two storey brick row, semi and detached houses with porches at the front and alleyways at the back. Houses were set close to tree lined streets. Substantial portions of Corktown retain the historic, human scale character. Designers are currently recreating this type of character with new projects across North America. Downtown development, in the north and west of the neighbourhood, consists mainly of offices, restaurants and car parks. At the south end of the neighbourhood is the Niagara Escarpment, the garden of Corktown.

Downtown provides excellent accessibility to services, employment and transportation. However, the proximity of downtown has, over the years, impacted neighbourhood cohesiveness. There are large areas of surface level parking on the edge of the downtown, high rise apartments scattered through the neighbourhood, high concentrations of rental accommodation, and arterial roads and railways cutting through the neighbourhood.

2. Neighbourhood Planning Program

In the early 1970s, the City of Hamilton started a planning program in developed neighbourhoods focusing initially on the inner city. The public, as interested parties, (stakeholders), were involved in the process from an early stage through the formation of advisory committees.

The first plan for Corktown was completed in 1973. The current review uses essentially the same process. However this plan includes the following additional features:

- a) a visioning process to find out how the stakeholders would like future development to unfold. Committee members discussed strengths and weaknesses of opportunities for and threats to the neighbourhood;
- b) emphasis on urban design and 3 dimensional form in addition to land use.

The content and format of the neighbourhood plan in the new Official Plan will be determined through the ongoing Official Plan review process with input from the Corktown community.

3. Neighbourhood Plans

Neighbourhood Plans deal with details of future land use, urban design, movement and amenity improvements in the form of goals and policies. Neighbourhood Plans are prepared to create investment opportunities and to help the community's management of the environment, the economy and social needs.

4. The Corktown Planning Framework

Neighbourhood needs and desires have to be blended with the broader needs and desires of the City, the Region and the Province. Provincial Planning Policies and the Niagara Escarpment Plan provide a Provincial framework. Vision 2020 and the Hamilton-Wentworth Official Plan provide the Regional framework. The City's Official Plan and the Central Area Plan provide the City of Hamilton's framework. The City's Official Plan provides for neighbourhood planning so that the needs and desires of the community can be married to the broader planning framework.

Recent planning work for downtown Hamilton has identified the need for the creation of a separate downtown neighbourhood. The downtown neighbourhood may include parts of four existing neighbourhoods: Durand, Central, Beasley, and Corktown. The updated Corktown Neighbourhood Plan will be part of the planning framework for the downtown neighbourhood. It is expected that the policies contained in this plan will be revised and updated as a result of the downtown neighbourhood planning exercise. The neighbourhood associations will be consulted in the process of defining the downtown neighbourhood and developing its plan.

THE NEIGHBOURHOOD PLAN

5. Purpose of the Plan

The purpose of the plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible; is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown.

6. Land Use (Map 1)

Corktown Neighbourhood should provide for the needs of the community and give those who use it a sense of well being. As a downtown neighbourhood, special attention should be given to efficiency and attractive image to support and strengthen Hamilton's downtown. The role of the four functional areas (Downtown, Transition, Neighbourhood Residential, Escarpment) in Corktown Neighbourhood should be reinforced. Intensive mixed use development and an increase in residential use in the Downtown area will help the whole of the downtown to thrive and to support City and Region wide services. Residential use in this part of the downtown is particularly suitable because of the good access to downtown facilities, employment and transit.

The Neighbourhood Residential area contains, in addition to housing, some neighbourhood commercial business as well as parks and an elementary school. Whereas there is a satisfactory provision for neighbourhood parks, elementary school and neighbourhood commercial, there is a critical need in this area for playing fields to serve Corktown and

nearby neighbourhoods. Limitation of commercial uses serving more than the Neighbourhood Residential area will reduce the impact of vehicular traffic in this area. These Commercial uses can be diverted to the Transition area with James Street South and John Street South acting as commercial service areas. The Transition area between the downtown and neighbourhood residential is a buffer area and contains both downtown uses and neighbourhood uses as well as facilities which serve several neighbourhoods and in some cases a wider hinterland eg. St. Joseph's Hospital. Mixed use, sensitive to impact of the Neighbourhood Residential area, are also appropriate in this area. The Escarpment area is a green link of Provincial importance which requires preservation and enhancement. (See Section 10).

Goal

The greatest intensity of use and additional residential will be in the Downtown and gradually diminish to the edge of the Neighbourhood Residential area which will be primarily residential with local parks, a new active playing field and an elementary school.

Policies

- a) Downtown development will be in mixed use form with significantly more residential use added, in line with the Central Area Plan policies adopted by City Council.
- b) Transition area development will usually be in mixed use form and with additional residential use. It will have minimal impact on the neighbourhood residential area. The conversion of older buildings in this area will retain some residential use.
- c) The Neighbourhood Residential development will be infilled on vacant lots and green areas around apartments, where possible, with predominantly street townhousing but also semi-detached and singles on lot sizes which follow the pattern in the locality.
- d) No further commercial uses, other than home occupations, will be permitted in the Neighbourhood Residential area except where designated. New commercial in the Neighbourhood Residential area will serve primarily the local population. Commercial uses will generally be directed to the adjacent Transition area and Downtown area.
- e) An active sports field will be provided on the Young Street, Ferguson Avenue South, Forest Avenue block. This area originally known as Sandhill is also known by the community as the Field of Dreams. It is a target to use all the land for recreational activity. Acquisition of this land and its development is the highest priority of this plan.
- f) a strong downtown will be supported.

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- g) James St. South business district will be improved using its special character to promote its services and attract tourists. St. Joseph's Hospital will be supported in its current location;
- h) Preference for expansion of St. Joseph's Hospital would be east of John Street South.
- i) Queen Victoria Elementary School will be supported to remain in its current location and act as a principal community focus for the neighbourhood.
- j) Suitable zoning for institutional uses will be introduced so that in the event of relocation, the community is not faced with as of right development which undermines the policies of this plan.
- k) Once the Province establishes the ability for municipalities to implement a development permit system, a study should be undertaken to establish where the permit system would be appropriate in the City of Hamilton. Corktown Neighbourhood will be considered as a test project for implementation.
- l) implementation will be through the Planning and Development Department using the Planning Act; rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests on an individual basis.

7. Population and Density (Map 2)

Increase in the residential population in the central area brings a higher level of services to the downtown. This benefits the Region, the City and Corktown. Increase in population also brings better local services. The continued depopulation of the neighbourhood makes it more difficult to maintain commercial and public services. The downtown also becomes weaker if population is lost. There are vacant and underutilized sites in Corktown suitable for housing and other uses.

The Downtown has the most potential for additional population although significant additional population can be added to the Transition (Map 1) area. The Neighbourhood Residential Area (Map 1) has the potential of limited population increase through infill development. No population exists in the Escarpment area.

Goal

Increase the population of Corktown particularly in the downtown area and on the edge of the downtown.

Policies

- a) Higher densities of population will be directed to the Downtown Area.
- b) Intermediate densities of population will be directed to the Transition Area.
- c) Lower densities of population will be directed to the Neighbourhood Residential area.
- d) No population will be permitted in the Escarpment Area.
- e) Implementation will be through the ongoing processing of planning applications under the Planning Act.

8. Neighbourhood Form and Building Heights (Map 2)

The heights of buildings are critical to ensure access to sunlight, privacy, views (especially from downtown to the escarpment), protection from wind tunnelling and streets whose buildings relate to the pedestrian (human scale). These items are particularly necessary with a north sloping neighbourhood, the Downtown to the north and the Escarpment to the south. Heights in the downtown portion should allow the steeple of St. Paul's (180 feet high) to dominate. Heights in the housing areas in the south and east of the neighbourhood should reflect the traditional low rise housing and allow mature trees to dominate the landscape. Heights should be graded between these two areas.

Goal

New buildings will be designed to be an attractive addition to the neighbourhood and to minimize their height impact on the neighbourhood. The views across the neighbourhood from the downtown to the Escarpment will be protected and improved.

Policies

- a) Heights of new buildings will be (subject to exceptions below) limited to a maximum of 3 storeys in the south and east, up to 6 storeys on a line from the new GO centre to Main and Wellington and up to 12 storey at Main and James.
- b) Heights will be graded between the 3, 6 and 12 story units on Map 2. Height limits in the Transition and Downtown Area will also be guided by impact on nearby developments and public spaces as a secondary consideration.
- c) Where buildings are being redeveloped and the current density would exceed the prescribed number of storeys, higher buildings with upper stories set back from the main building facade, will be permitted.

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- d) New buildings will be designed to reduce heights as much as possible to have the appearance of reduced heights and to make a positive contribution to the overall neighbourhood streetscape. Design will be compatible with and reflect the traditional character of the neighbourhood in setbacks, materials and architectural features.
- e) New buildings, renovations and restorations will be of high quality in order to create a high standard of living environment.
- f) Implementation will be by the Planning and Development Department using the Planning Act; rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests.

9. Residential tenure

The large number of apartment buildings contribute to an ownership rate less than one third the City of Hamilton average. The existing high rise have rental accommodation convenient for many who require affordable housing close to the downtown. However, the market for multiple rental units has diminished. New high rise residential blocks are no longer in demand and are generally opposed by Corktown residents. Increase in owner occupation will help stabilize the neighbourhood.

Goal

Move towards a better balance of rental and owner occupancy for residential buildings.

Policies

- a) New condominium apartments, street row townhouses, singles and semi-detached houses will be built to offset the imbalance between rental and ownership housing.
- b) Condominium conversions, from rental to owner occupancy will be used to offset the imbalance between rental and ownership housing subject to the policies of Council regarding the criteria for condominium conversions.
- c) Implementation will be by the Planning and Development Department using the Planning Act, Rental Housing Protection Act and other Provincial Statutes. Rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests, on an individual basis.

10. Greening

Below the Claremont Access there is a band of woodland which extends into the residential area at the base of the escarpment (known locally as the 'Talus' area).

There is potential for the section of the Escarpment in Corktown to provide a spectacular backdrop to the downtown and wider area as well as providing a walking and trail system with excellent accessibility. There has been little environmental restoration of the Escarpment following the construction of the Jolley Cut and Claremont Access. Vehicular travel through the area could also be made more pleasing and dramatic.

Within the neighbourhood there are a number of park and street trees. There is potential for many more trees especially in and around the downtown. Trees have aesthetic, anti-pollution, wind mitigation and shade benefits.

Goal

To reforest and regreen the neighbourhood, building on existing landscaping and to restore the green link along the scarp face.

Policies

- a) The natural areas of the Niagara Escarpment, in the area of the Claremont Access and Jolley Cut will be enhanced through tree plantings, additional parks, gardens and natural areas. The area will look attractive from the Downtown, Corktown and from the roads crossing the Escarpment. It will be linked to and complement the Corktown open space system and Sam Lawrence Park at the Escarpment Brow. The great potential for the area to be a backdrop to a large portion of the City including the downtown will also complement the Royal Botanical Gardens as an image enhancing and tourist asset for the City.
- b) Street and park trees and shrubs will be supplemented with priority treatment given to car parks, vacant sites and to streets acting as pedestrian links.
- c) All new development will have high quality landscaping compatible with landscaping plans for the neighbourhood and in keeping with a high quality of environment which is appropriate in Corktown.
- d) Climbing vegetation will be used to cover concrete walls, particularly on the railway embankment, blank sides of buildings, etc.
- e) implementation will be through a landscaping design for the escarpment area and identification of additional planting areas.

11. Pedestrian Links and Trails (Map 3)

The existing and proposed parks will be more effective if connected by links to the existing trail systems eg. Bruce Trail and the Rail Trail at Wentworth Street. Ferguson Avenue has already been identified in the Ferguson Master Plan as a pedestrian link to the North End and

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Harbourfront. A green link is needed between the proposed park and Carter Park/Central Memorial Recreation Centre so that a wishbone configuration can be created with one fork leading to Ferguson Avenue and the downtown and the other through the Field of Dreams and up to the Escarpment. A stronger link including possible road closures can be established if the rail line is closed. There will be a great opportunity for trails and better links across the railway embankment if the rail line is closed. However, there are no plans for closure at this time.

Goal

Establish an open space system with nodes and links throughout the neighbourhood.

Policies

- a) an open space system will be established in Corktown using parks, trails and streets with less traffic in accordance with Map 3.
- b) the Bruce Trail Association will be requested to provide a reconnected naturalized trail in Corktown Neighbourhood.
- c) a link from the new playing fields to Carter Park/Central Memorial Recreation Centre will be developed. The replacement of the Ferguson Avenue steps up the Escarpment connecting to the Bruce Trail will be included in improvement plans.
- d) the upgrading of Ferguson Avenue in accordance with the Ferguson Master Plan will be a priority of the plan.
- e) the neighbourhood's public areas will be designed to be fully accessible using urban braille guidelines and implemented over time. A pilot project for James Street south will be considered.
- f) an overall plan of streetscaping will be prepared (co-ordinated with traffic calming measures) bearing in mind the importance of making Corktown a desirable place to live, work and play.
- g) implementation will be through the Planning Department and Parks Division of Public Works with use of the parks budget.

12. Vehicular Traffic and Parking

James Street South, Main Street East, John Street South and Arkledun Avenue provide access for large volumes of through traffic. Charlton Street is a through traffic street passing the elementary school in the centre of the neighbourhood but is not a principal Regional road. John Street South and to a lesser extent, Charlton Avenue East form a barrier between

different parts of the neighbourhood. James Street South forms a barrier between Corktown and Durand and divides and weakens the James Street South business area. Local streets are car dominated and carry significant volumes of through traffic creating noise, pollution and a threat to safety.

Goal

To establish a road network within and adjacent to Corktown Neighbourhood that provides for through traffic movement at the periphery of the neighbourhood and safe residential streets that are primarily used by local traffic.

Policies

- a) a task oriented committee will be formed to address the issues of neighbourhood traffic, through traffic, the road network and its functions, on street parking, and traffic calming measures in Corktown Neighbourhood. The goal of this Committee is to identify measures and establish a program of implementation that will achieve the goals of this section of the Neighbourhood Plan.
- b) The through traffic function of James Street South, John Street South and Main Street East will be protected.
- c) The proposed rights of way road allowances will be reviewed to determine the necessity for taking additional land for the right of way when property is developed.
- d) Charlton Avenue East will be considered for downgrading to a local road and through traffic discouraged.
- e) John Street South and James Street South will have mechanisms to slow traffic, including consideration of on street non rush hour parking for their full length. However, the function of the roads as through traffic arteries will be maintained. Passage of buses and other public transport will be protected.
- f) Traffic calming techniques intended to slow traffic and increase safety will be used throughout the neighbourhood particularly on local roads. Easy passage of buses and other public transport will be protected.

13. Transit

Corktown is extremely well served by transit having the GO train and bus terminal, the Mountain access buses on James Street South and John Street South and the King and Main buses to the north of the neighbourhood.

Goal

Support for the retention of a high level of transit and improvement where appropriate.

Policies

- a) GO and other long distance carriers will be supported to increase transportation service from the GO centre for the downtown and neighbourhood areas.
- b) Aldershot and Burlington GO station will be supported to be used by car users to avoid attracting commuter traffic downtown and the provision of additional parking.
- c) HSR and other short distance carriers will be supported to continue to find ways to make their transportation better including serving streets in the neighbourhood not already served.
- d) A community activities notice board will be placed in the GO Centre with Corktown Notices maintained by the Corktown Neighbourhood Association.
- e) Implementation will be through GO, HSR and other carriers and the Corktown Implementation Committee.

14. Street Design

Currently, high density residential zoning discourages cohesive street design. The size of the development parcel determines front yard setbacks and the continuity of street 'wall' created by buildings. There should be an integration of the various elements which make up the street scene.

Goal

Ensure future development enhances the appearance of the street on which it fronts.

Policies

- a) New development will conform to street urban design guidelines including heritage protection building envelopes, accessible public spaces, signage, lighting, street furniture, established on a block by block basis with emphasis on focal points as appropriate.

- b) Urban design guidelines including architecture, sunlight, landscaping and building materials for streets where redevelopment has most potential eg. John Street South, James Street South, Hughson Street South, Jackson Street South and Hunter Street East will be a priority of this plan.
- c) Implementation will be by the Planning and Development Department who will set up a study process to create the Urban Design Guidelines.

15. Identity and Signs

The area outside the Downtown and Escarpment, ie. the Neighbourhood Residential and the Transitional area is considered a village within a City. Schools, parks, restaurants and pubs will be meeting places where people get to know their neighbours. The plaza on John Street South can be considered the Village Centre.

Street signs in the neighbourhood are standard Regional/City green and cream designs. Specially designed additions to street signs for Corktown Village and gateways would enhance Corktown's identity and supplement existing designs.

Goal

To give special identity to Corktown by providing focal points and by using signs, gateways and other means of signifying its Irish origin.

Policies

- a) All street name signs outside the downtown will be modified to add 'Corktown Village' a date and an emerald green shamrock motif.
- b) Such identification will be encouraged on other signs including private signs.
- c) LACAC will be requested to review the placement of historical markers for urban interpretation, buildings with historical significance, former names of streets, and the former Lake Iroquois shoreline.
- d) Gateways to Corktown eg. the bridge over Charlton Avenue and other bridges will be identified and designed as entrances to the neighbourhood and Corktown Village.
- e) The plaza area bounded by John Street South, Catherine Street South, Forest Street and Young Street will be identified and promoted as the Corktown Village Centre or Square.

- f) The local pubs will be given consideration for upgrading, sympathetic restoration and gearing more to the neighbourhood and families.
- g) Implementation will be through the design committee of the Central Area Plan Implementation Committee and Corktown Neighbourhood Association and co-ordinated by the Planning Department. The streetname signs will be reviewed by Traffic Divisions and Public Works Department and changes on Regional Roads be approved by Regional Council.

16. Lighting

Most of the lighting is high pressure sodium vapour lighting on tall poles. Lighting is geared to traffic in the neighbourhood. Some areas are inadequately lit according to a survey of the area as part of the Neighbourhood Plan process.

Goal

All roads will be well lit but Regional roads will have traffic oriented lighting and other areas will have pedestrian oriented lighting.

Policies

- a) Lighting will be upgraded for traffic and pedestrian safety as part of the ongoing upgrading and redevelopment process.
- b) Traffic oriented lighting will be maintained on arterial roads.
- c) Pedestrian oriented lighting eg. lower poles, more poles, less glow, attractive design reflecting traditional design, will, over time, replace the tall sodium vapour lights in the remainder of the neighbourhood to make streets more human scale and avoid light pollution, i.e. over lighting and allowing light to escape upwards.
- d) Lighting effects as part of the upgrading of the escarpment face will be considered.
- e) Implementation will be through the Public Works Department and the Traffic Calming Committee (see Policy 12a). A safety audit should be prepared through the Corktown Implementation Committee.

17. Heritage (Map 3)

Features of the neighbourhood which have architectural and historic importance give Corktown its unique character.

Goal

The important architectural and historic features of the neighbourhood will be retained, restored and enhanced.

Policies

- a) Heritage building designation will be at the request of the owner or where a building is threatened with demolition.
- b) Grants and loans for heritage purposes will be given where appropriate to buildings which are designated in order to restore heritage character.
- c) Listed buildings will be issued a demolition permit only when all avenues for saving them have been explored and a building permit for a replacement project has been issued.
- d) New development on streets with historic streetscapes (Map 3) will be designed to be in keeping with and sympathetic to architectural and historic character.
- e) Potential heritage districts (Map 3) where owners support the concept, will be prioritized along with other areas requesting studies. The potential areas include the Liberty Street area, the Augusta/Catherine area, James St. South, Freeman Place and the east end of Charlton Avenue East.
- f) Implementation will be through the Local Architectural Conservation Advisory Committee and the Planning and Development Department using the Heritage Act and the Planning Act.

18. Residential Demolitions

Older residential buildings provide affordable accommodation close to the downtown. Demolition reduces affordable housing and may result in vacant or underutilized land.

Goal

Affordable housing will be protected through demolition control in the Planning Act.

Policies

- a) Residential units will be retained wherever possible; the use of demolition control to ensure a building permit is issued for a replacement project prior to demolition is supported by the neighbourhood.
- b) Implementation will be through the Planning and Development Department and Building Department under the Planning Act.

19. **Aesthetics**

There are a number of unsightly areas in the neighbourhood including poorly maintained property, vandalized property, unpainted underpasses and garbage.

Goal

To improve the appearance of the neighbourhood through visual improvements and maintenance.

Policies

- a) Areas of opportunity for improvement will be dealt with as quickly as possible in order to improve the living environment and the image of Corktown.
- b) The areas identified as 'areas of opportunity', including sites awaiting development, will be improved through screening and site clean up (Map 3).
- c) Maintenance of buildings, streets and other public areas will be carried out to a high standard.
- d) Implementation will be done through the budget of the Public Works Department in liaison with the Planning and Development Department. Any work on private land will be in co-operation with the owner. Operation of the Property Standards by-law is through the Building Department.

20. **A Community Participation**

Community participation in planning decisions is prescribed under the Planning Act. However full participation from the earliest stage possible is expected by stakeholders in order to help resolve planning issues.

Goal

Public participation in planning decisions affecting Corktown will be as full and as early in the process as possible.

Policies

- a) The Corktown Neighbourhood Association and business organizations, (run as an independent group unless planning time can be provided by the Planning Department) will ensure the Corktown Neighbourhood Plan is implemented.
- b) The Corktown Neighbourhood Association, the James South Business Group and Corktown Neighbourhood Association will be notified of development applications in their area.
- c) Implementation will be done by the Corktown Neighbourhood Association (appointed by the community) in liaison with the Planning and Development Department.
- d) A program of implementation will be drawn up by the Planning and Development Department in conjunction with other Departments for use in the budget process so that projects can be implemented as soon as possible.

21. Neighbourhood Promotions and Events

The Neighbourhood Association represents the residential point of view of the neighbourhood. The James Street South Business Group represent the business interests of its area. The downtown area does not have a representative organization. There is a need to bring these interests together to promote a cohesive community through programs and events common to Corktown.

Goal

Form a cohesive and co-ordinated promotional and events program.

Policies

- a) That the various interests in the neighbourhood will be brought together to arrange neighbourhood wide events, sponsorships and promotions.
- b) Implementation will be done by the Corktown Neighbourhood Association through work with government and other agencies.

22. Monitoring and Review

Monitoring statistics and reviewing the plan are essential to keep it on track and up to date.

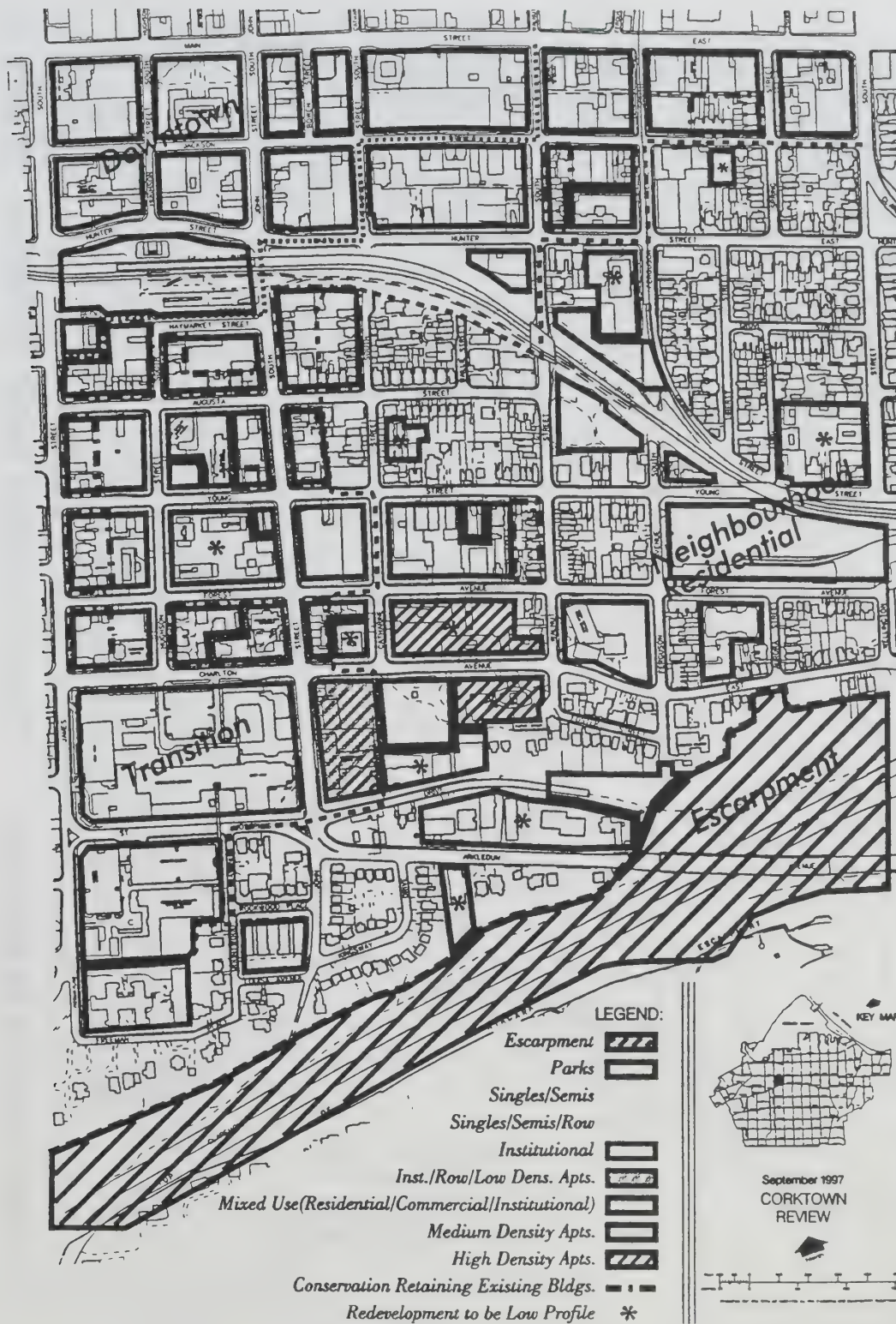
Goal

The Corktown Neighbourhood Plan will be monitored and reviewed as needed.

Policies

- a) Statistics and issues will be monitored when new information is released from the census and/or assessment.
- b) A review of the plan and its implementation will be done at the time the statistical monitoring is done. This review will include development details, program expenditures, implementation projects and their status, and the statistical review.
- c) Amendments to the Plan can take place at anytime through the normal process of Neighbourhood Plan or Official Plan Amendment and stakeholder involvement.
- d) All enforcement will be done as quickly as possible. Consideration will be given to the effects on the health of the business areas when regulations are developed and implemented.
- e) Implementation will be through the Corktown Neighbourhood Association, the Planning and Development Department, and the Building Department.
- f) Maps are for guideline purposes and minor adjustments to the land use designations will be permitted provided the intent of the neighbourhood plan is maintained.

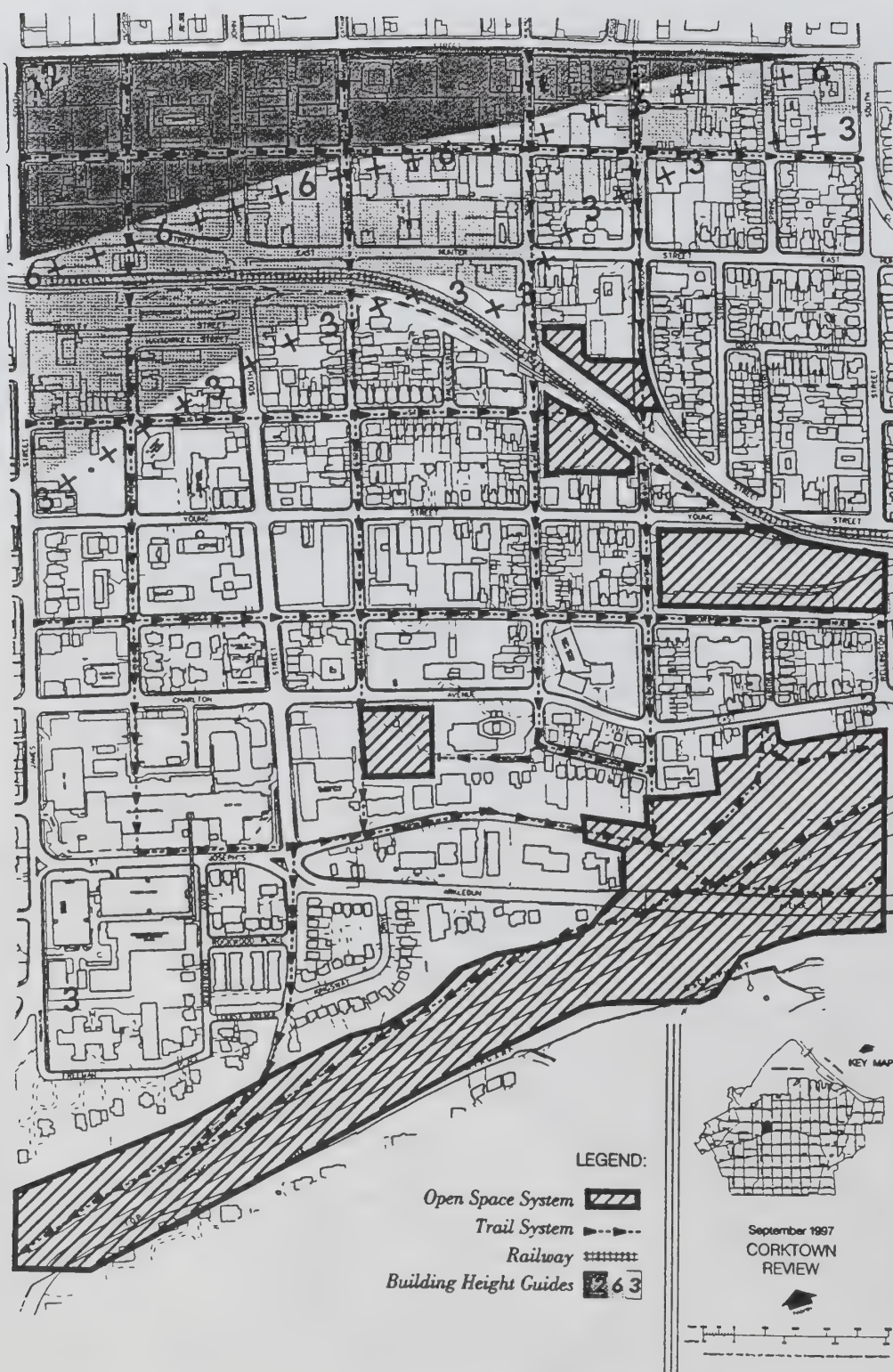
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LAND USE MAP 1

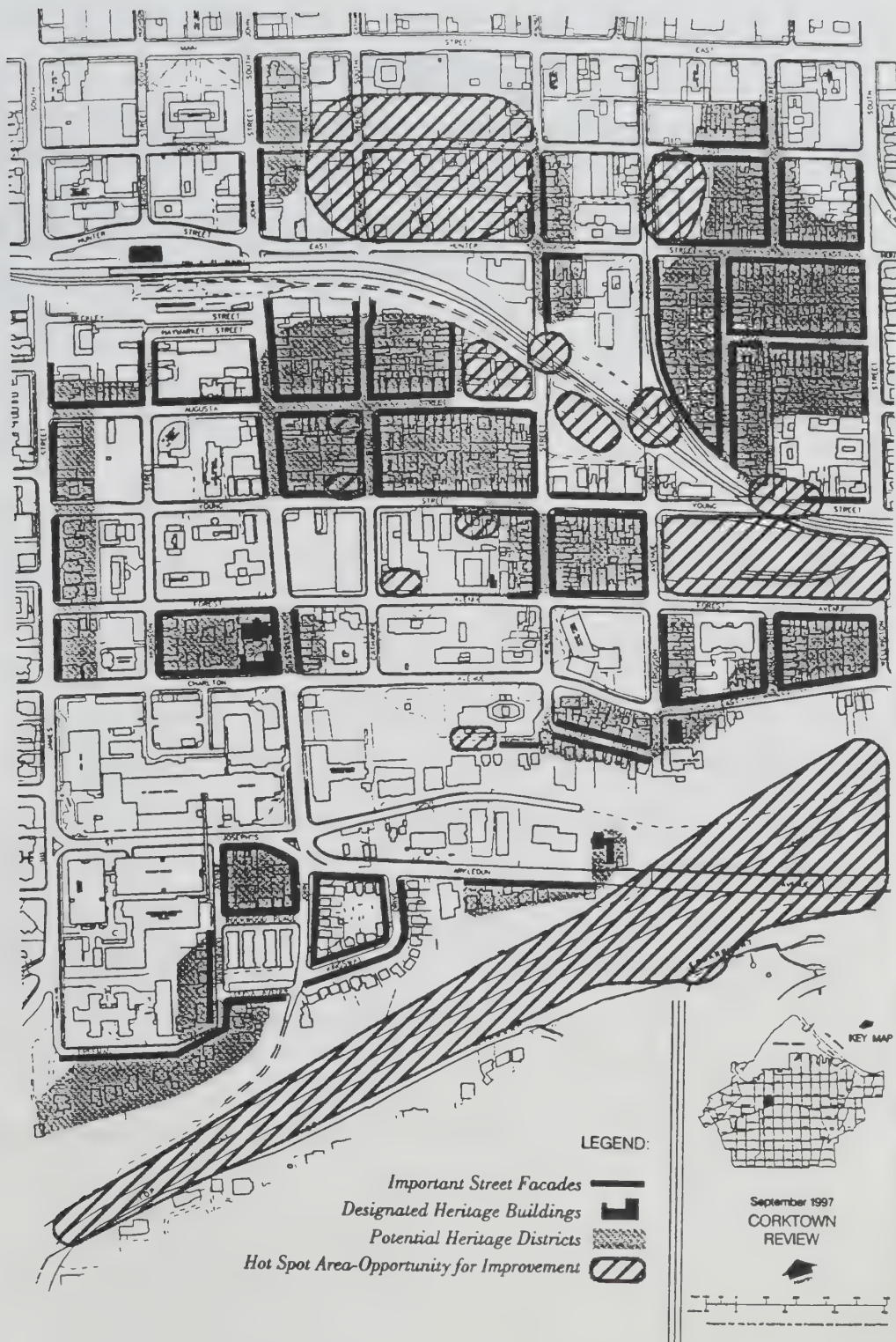
CORKTOWN REVIEW

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CORKTOWN REVIEW OPEN SPACE AND TRAILS MAP 2

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URBAN DESIGN MAP 3

CORKTOWN REVIEW

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Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
<i>PROJECTS</i>					
C1	Acquisition of the CP Yard for Parks Purposes		X	Short Term	Parks Staff Committee
C2	Landscaping Plan to enhance the Escarpment Natural Area		X	Medium Term	Public Works and Traffic Department; Corktown Neighbourhood Association
C3	Development of Link between Carter Park and Central Memorial Recreation Centre.		X	Short Term	Public Works and Traffic Department
C4	Urban Braille Project for James Street South.		X	Medium Term	Public Works and Traffic Department
C5	Streetscaping Plan for Neighbourhood		X	Medium Term	Public Works and Traffic Department
C6	Corktown Street Signs		X	Short Term	Public Works and Traffic Department
C7	Clean up and screening program - areas of opportunity		X	Medium Term	Corktown Neighbourhood Association
C8	Establishment of a neighbourhood promotional program		X	Medium Term	Corktown Neighbourhood Association

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Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
	<i>REGULATIONS</i>				
C9	Development of a Zoning District for Institutional Uses		X	Medium Term	Planning and Development Department
C10	Review of Development Permit System		X	Medium/Long Term	Planning and Development Department
C11	Task Oriented Committee on Traffic Calming		X	Short Term	Planning and Development Department; Public Works & Traffic Dept.; Roads Dept.
C12	Urban Design Guidelines for Corktown Neighbourhood		X	Medium Term	Planning and Development Department
C13	Review of Potential Heritage Districts		X	Short Term	LACAC
C14	Statistical Update		X	Medium Term	Planning and Development Department

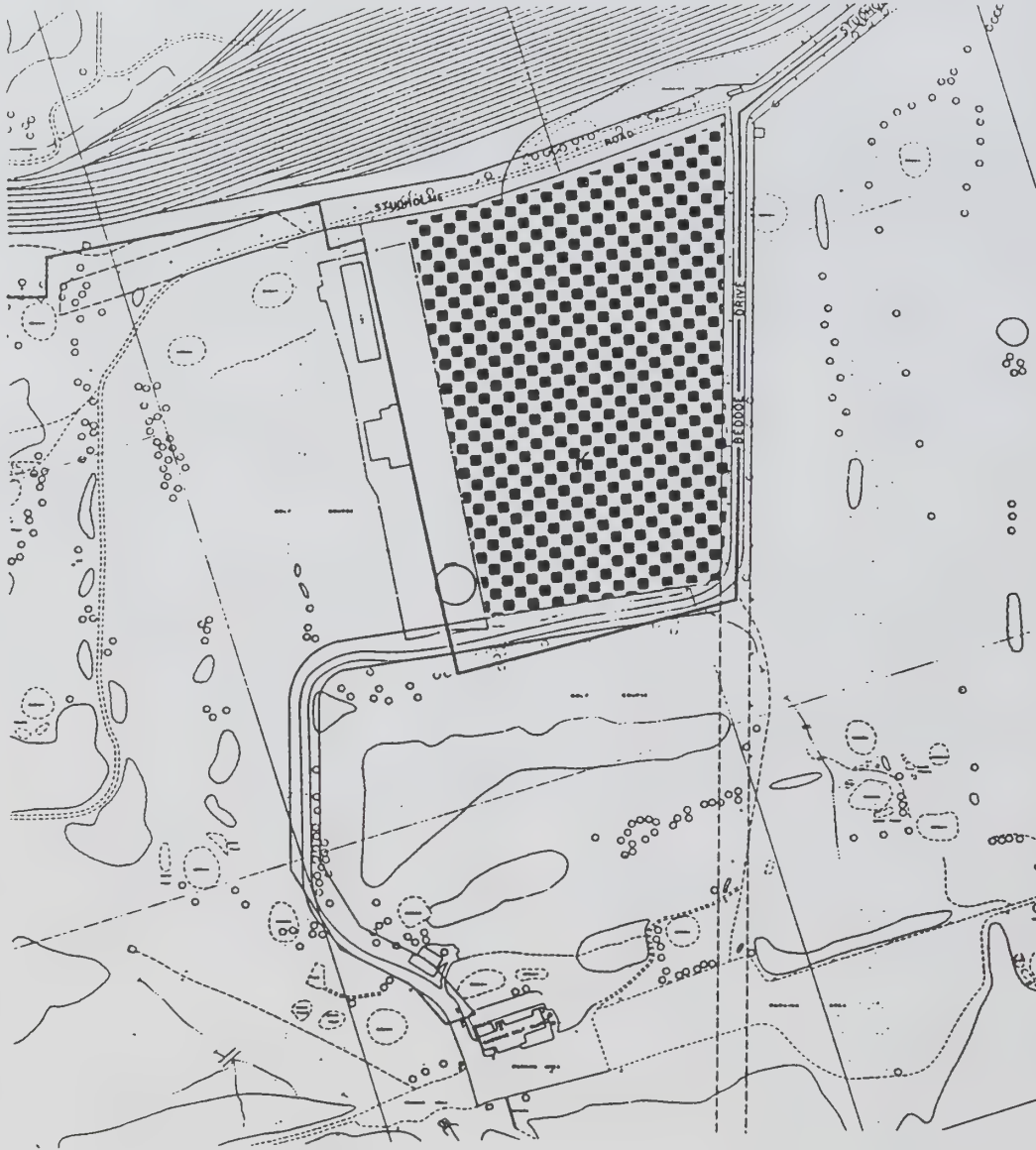
Legend for Timing:

Short Term: 18 months

Medium Term: 2-5 years

Long Term: beyond 5 years

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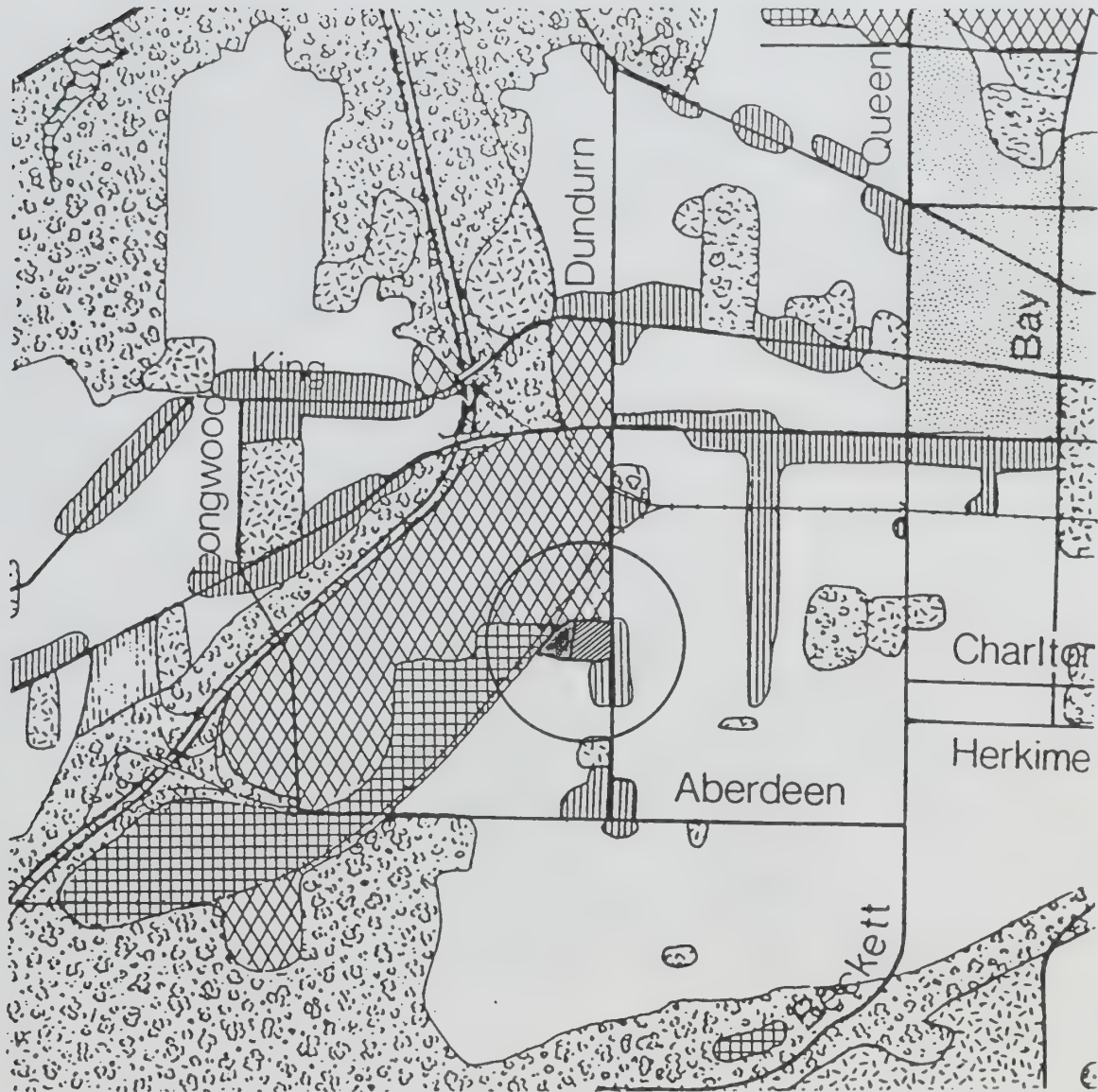


Changes to the Hamilton Official Plan



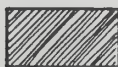
1. Schedule "A" - Land Use Concept of the Official Plan: Redesignate from "Industrial" to "Residential".
2. Schedule "B" - Special Policy Areas: Add as a new Special Policy Area.

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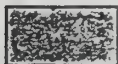


Legend

Proposed changes:



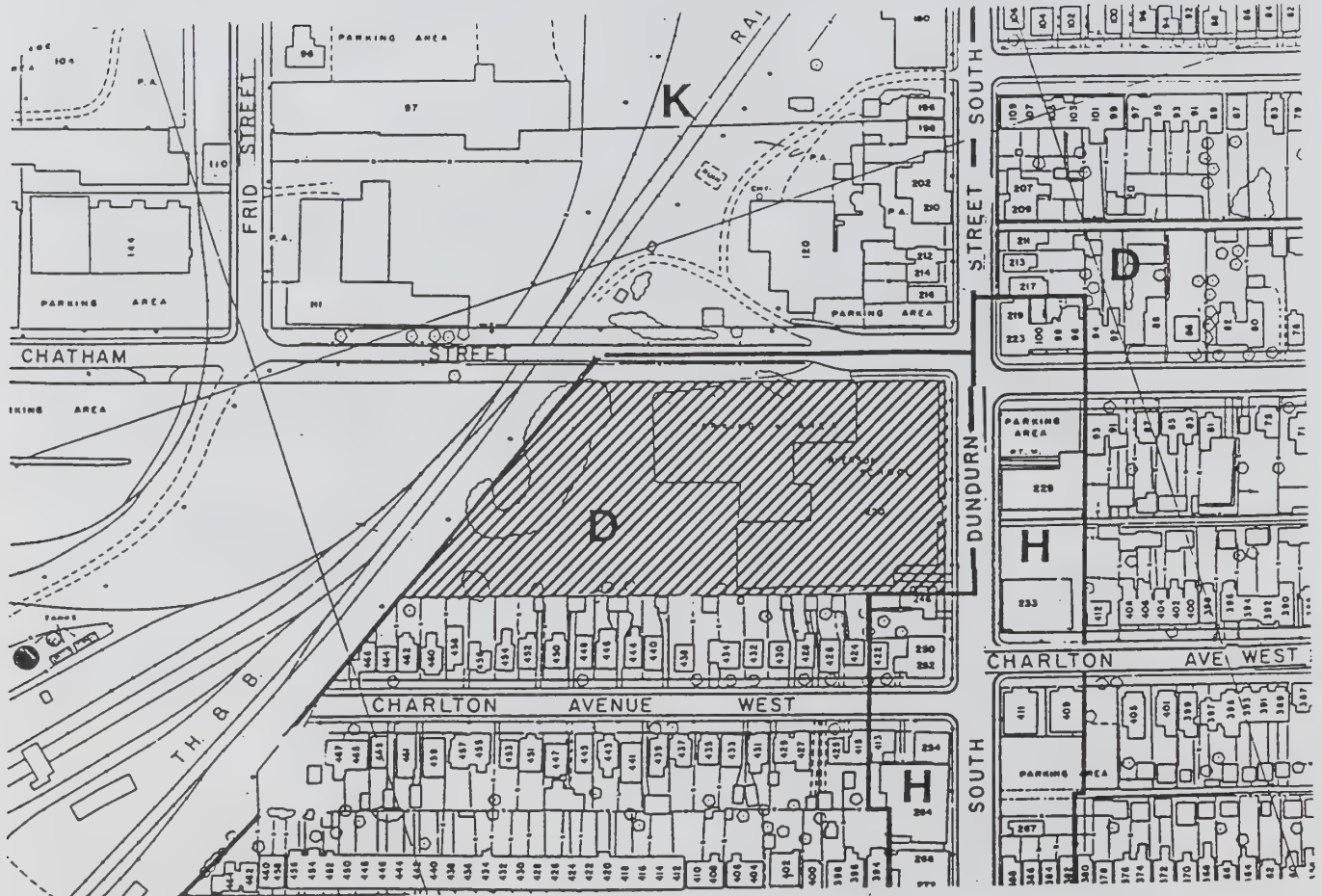
"Major Institutional" to "Residential"



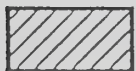
"Open Space" to "Residential"

Drawn By	Date
R. L.	Sept. 1997
Scale	
Not to Scale	
North	

1997 October 28



Legend



Site of the Application

Reference File No

ZAC-97-26

Drawn By

Date

July 1997

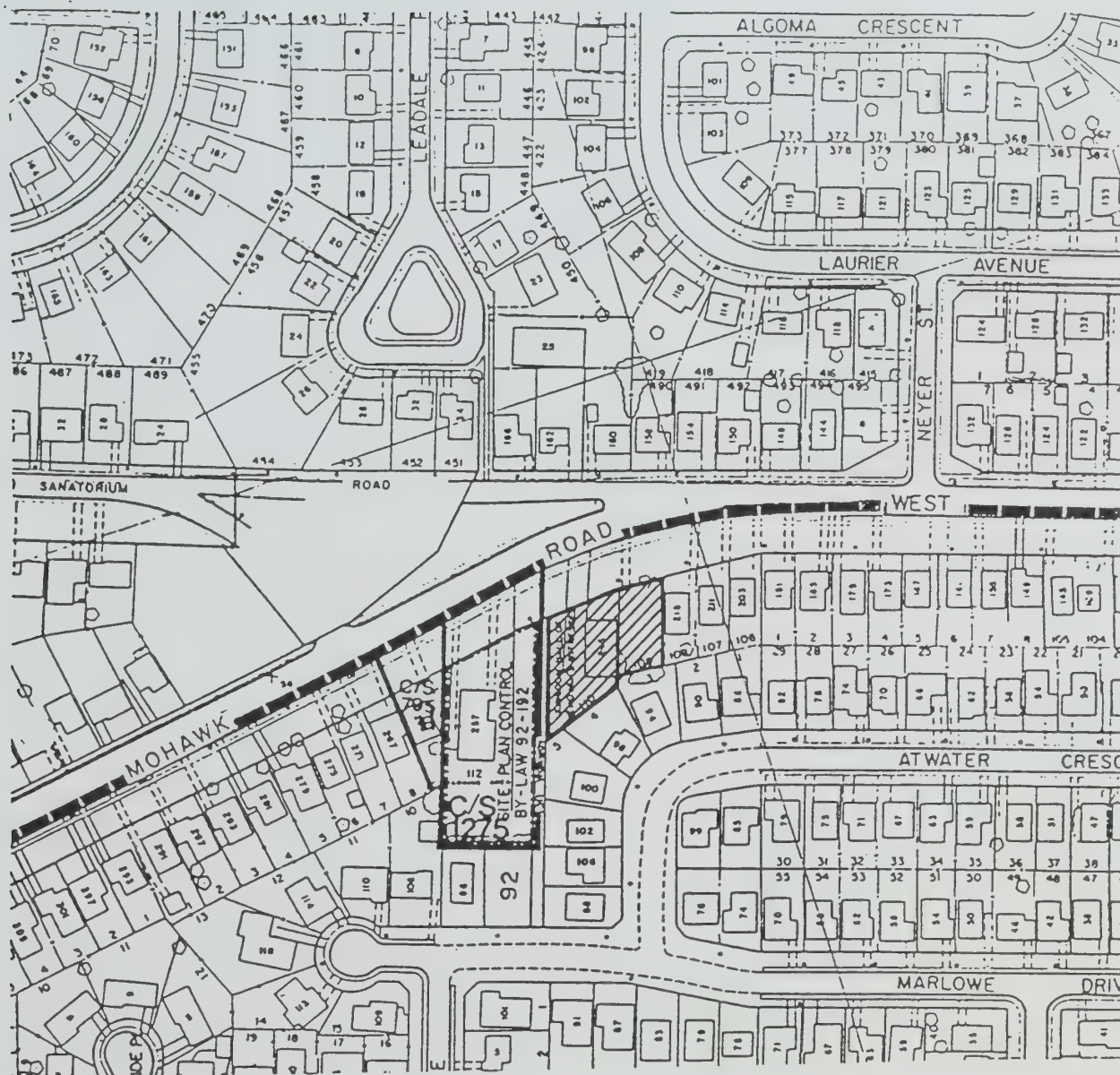
Scale

Not to Scale

North



1997 October 28



Legend



Site of the Application

Reference File No.

ZAR-97-22

Drawn By

Date

W. B.

May 1997

Scale

Not to Scale

North



**FINANCE & ADMINISTRATION
COMMITTEE**

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SECOND** Report for 1997 and respectfully recommends:

1.
 - (a) That City Council support the implementation of a long-term medical surveillance programme for Hamilton Fire Fighters involved in the Plastimet fire, as well as all other impacted fire fighters with the Hamilton Fire Department; and,
 - (b) That Regional Council be requested to authorize its Medical Officer of Health to work with the Hamilton-Wentworth Regional Police, and other applicable agencies also involved in the Fire on a similar surveillance programme for its employees; and,
 - (c) That the Chief Administrative Officer be directed to co-ordinate staff to report back on the specifics of such a long-term programme, including funding components; and,
 - (d) That this Study include the Hamilton Fire Fighters Union, Human Resources Department, the Occupational Health Clinic for Ontario Workers (Hamilton), and the Hamilton Fire Department; and,
 - (e) That staff report back to the Finance and Administration Committee with a funding formula that covers the term of the Study; and,
 - (f) That this staff report be brought back to the 1997 November 18th meeting of the Finance and Administration Committee.
2.
 - (a) That the City reject the Plaintiff's offer to settle this Action in the amount of \$3,500 plus costs to be agreed upon or assessed; and,
 - (b) That the City offer to settle Ontario Court (General Division) Action No. 011247/97 by payment to the Plaintiff, Alex Somagvari, of the sum of \$3,250, inclusive of all claims for damages, interest and costs; and,
 - (c) That the Plaintiffs be required to execute a full and final release in a form satisfactory to the City Solicitor; and,

- (d) That Ontario Court (General Division) Action No. 011247/97 be dismissed without costs.
- 3.
- (a) That the City resolve Ontario Court (General Division) Action No. 10642/95 by the payment to the Plaintiff, Sheila Pettersen, of the sum of \$16,400.88, inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a full and final release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 10642/95 be dismissed without costs.
4. That the City of Hamilton settle Ontario Court (General Division) Action No. 8795/95 on the following terms:
- (a) That the City pay to the Plaintiffs, Ayda Canakci and Nisan Canakci, the sum of \$35,925.88, inclusive of all damages, pre-judgment interest, legal costs and disbursements; and,
 - (b) That the plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 8795/95 be dismissed without costs.
- 5.
- (a) That the City resolve Ontario Court (General Division) Action # 13657/96 by the payment to the Plaintiff, Elizabeth McGrath, of the sum of \$2,826.20, inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 13657/96 together with any and all Crossclaims be dismissed without costs.

6.
 - (a)
 - (i) That 463-477 King Street East be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law 95-049; and,
 - (ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law; and,
 - (b)
 - (i) That an Offer to Purchase 463-477 King Street East for the price of \$230,000, executed by R. M. Dynes, dated 1997 October 8, be accepted. The said land has a frontage of 43.53 metres (142.83 feet) and a depth of 38.10 metres (125.00 feet), being Lots 2, 3 and 4 on Plan 99, with structures thereon, said transaction scheduled to close on 1997 December 4. This land vested in the City as a result of no bids upon its sale for tax arrears under the Municipal Tax Sales Act. Funds derived from this sale less commission be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (ii) That the required deposit cheque in the amount of \$20,000 be held by the City Treasurer pending Council approval; and,
 - (iii) That upon successful completion of this sale, a real estate commission of 6% of the sale price, plus GST be paid to Chambers & Company Limited (Sales Representative John Robertson), who acted in this matter; and,
 - (v) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:
 - (1) Satisfactory notice has been given to the public of the intended sale; and,
 - (2) An appraisal of the fair market value of the real property intended to be sold was obtained on 1997 October 21.
7.
 - (a) That the 1998 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1998 January 5 (due to the Christmas Closure of City Hall December 25 - January 2 inclusive) for the General Grant Applications; and,
 - (b) That the process for reviewing and approving all 1998 General Grant Applications and the process for the Convention/Reception Grants be considered as soon as possible by the Finance and Administration Committee with the new term of Council.

8. That should Provincial Bill 109, the Local Control of Public Libraries Act 1997, be approved by the Provincial Legislature, the City Solicitor be authorized to prepare the appropriate by-law to meet the requirements of Bill 109 including the following:
 - (a) To set the size of the new Library Board at 7 members consisting of 2 Aldermen and five appointed citizens; and,
 - (b) To establish qualifications to include that each Library Board appointee "must be a qualified elector for the City of Hamilton who is currently eligible to be a member in the Hamilton Public Library".
9.
 - (a) That the City of Hamilton switch from being a full partner in the PaRCIL Project to a service/customer arrangement for 1997, with subsequent years to be renewed as appropriate; and,
 - (b) That the 1996 charges for City department use and involvement in the PaRCIL Project of \$133,566.59 be approved for payment, with \$77,106.59 of that payment to be taken from capital account 5x921-00203, Reserve for Capital Projects, and the remainder from previously approved current budget allocations; and,
 - (c) That a budget of \$48,866.59 to the PaRCIL project for the portion of the 1997 costs for City PaRCIL activities not funded from previously approved current budget allocations be authorized from capital account 5x921-00203, Reserve for Capital Projects; and,
 - (d) That the current budget base of \$17,200 presently in Information Systems account CH-56005-26032 be transferred to Public Works and Traffic account CH-59056-75010; and,
 - (e) That a budget of \$25,000 to the PaRCIL project for the upgrading of equipment be authorized from capital account 5x921-00203, Reserve for Capital Projects; and,
 - (f) That \$421,454.68 in the capital budget account, Reserve for Capital Projects, remaining from the PaRCIL project, be returned to the original source of funding for other projects; and,
 - (g) That an advisory team to monitor PaRCIL activities on behalf of the City be struck, with membership being the Commissioner of Public Works and Traffic or his designated alternate(s) and the Director of Planning and Development or his designated alternate(s).

10.
 - (a) That the City's onetime costs of Human Resources Centre - Restructuring in the amount of \$85,377 and the Information Systems Department Budget reductions in the amount of \$20,529 to a total of \$105,906, be financed from the Reserve for Contingency, Account Centre No. CH 00115; and,
 - (b) That the Regional Municipality of Hamilton-Wentworth be requested to forward their portion of the onetime severance costs in the amount of \$29,471 in relation to the Information Systems Department; and,
 - (c) That the base 1998 Budget of the Information Systems Department be increased by \$83,600 effective 1998 January 1, as recommended by the Sub-Committee set up under Section 1 of the Nineteenth Report of the Finance and Administration Committee, adopted by Council 1997 August 26.
11.
 - (a) That the City of Hamilton purchase a table of 10 at a cost of \$600 for the 1997 Awards Dinner for the Hamilton Gallery of Distinction to be held on Wednesday, 1997 November 5th at the Hamilton Convention Centre; and,
 - (b) That funding for this expenditure be charged to the Unclassified Account No. CH 55113 24201.
12.
 - (a) That the Corporation of the City of Hamilton enter into a Lease with Seven Towers Non-Profit Family Day Care Inc., for a vacant parcel of City owned land located directly west of 44 Greendale Drive, containing approximately 583.4 square metres (6,280 square feet) more or less, being Part 2 of Block O on Plan M-66, to be used for access purposes only; and,
 - (b) That the term be for a period of four (4) years, commencing 1997 December 14 and expiring 2001 April 30, at a rental rate of \$800 per year plus any applicable taxes, and proceeds be credited to Account No. CH 44104 31106 (Rental Civic Property-Civic Properties Rented); and,
 - (c) That the Tenant shall have the option to renew the Lease for a further four (4) year period, with the rate and terms to be mutually agreed upon six (6) months prior to the expiry of the Lease; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute a Lease Agreement in a form satisfactory to the City Solicitor.

13. (a) That the City exercise its renewal option for the period ending 2000 December 31, and establish a purchase order with Honeywell Limited of Hamilton which for 1998 will be in the amount of \$359,108.05 inclusive of GST (\$23,493.05) for maintenance services (parts & labour) of the building automation and control systems within various City buildings, this being the only acceptable quotation received in accordance with the specifications issued by the Purchasing Division, Ref: C14-4-95; and,
- (b) That the contract prices be reviewed and adjusted annually, if appropriate, for years 1999 through to and including 2000 according to the publicly issued pricing indexes referred to in Schedule "B" of the Agreement; and,
- (c) That the City Solicitor be authorized and directed to amend the existing Agreement which would otherwise expire 1998 December 31 accordingly; and,
- (d) That an Open Order be established with Honeywell Limited for labour & materials beyond the scope of the maintenance agreement according to the schedule of rates, attached herewith and marked Appendix "A".
14. (a) That the City of Hamilton submit an application through the Joint Emergency Preparedness Program (JEPP) for funding to revise the City of Hamilton Emergency Preparedness Plan; and,
- (b) That the cost of revising the City of Hamilton Emergency Plan at a net City cost of \$36,667 (gross cost of \$66,667 less cost sharing arrangement of \$30,000 from an application through the Joint Emergency Preparedness Program) be funded from the Reserve for Contingency Account Centre No. CH 00115.
15. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- D-57 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1997 October 21**

1997 October 28

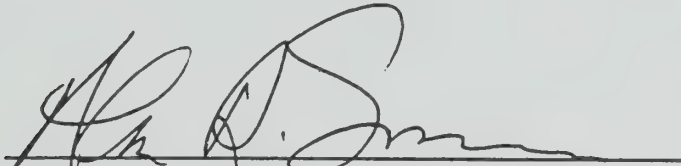
Appendix "A" referred
to in Section 13 of the
TWENTY-SECOND Report
of the Finance and
Administration
Committee for 1997

<u>MISCELLANEOUS RATES</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
		SEE BELOW	
Hourly Rate	\$ _____	\$ _____	\$ _____
Overtime Rate	\$ _____	\$ _____	\$ _____
Truck Expense	\$ _____	\$ _____	\$ _____
Mileage Mi/km	\$ _____/	\$ _____/	\$ _____/

Overtime Commences: _____

Other charges, please specify _____

	<u>1998</u>	<u>1999</u>	<u>2000</u>
REFRIGERATION	\$65.00	\$65.00	\$65.00
PNEUMATIC FITTER	65.00	65.00	65.00
ELECTRICIAN	65.00	65.00	65.00
AUTOMATION TECHNICIAN	90.00	90.00	90.00
OVERTIME AT	1.5		
TRUCK EXPENSE	N/C		
MILAGE	.50 /km		


Authorized Signature

Alan R. Simmons
Please Print Name

(905) 573-4591
Telephone Number

Oct 1, 1997
Date

(905) 573-4595
FAX Number

NOTE: PRICES SHOWN ABOVE ARE SUBJECT TO INCREASE OR DECREASE
ACCORDING TO SCHEDULE "B" OF CONTRACT

NOTICES OF MOTION

NOTICE OF MOTION

Re: Downtown Development Co-ordinator

Motion put September 30, 1997

Postponed October 14, 1997

Mayor Morrow gave notice that he would move at the next regular meeting of City Council the following:

That the City of Hamilton and the Regional Municipality of Hamilton-Wentworth jointly hire a Downtown Development Co-ordinator, on a contract basis, to bring development to the downtown, co-ordinate projects already in existence, and work with all parties concerned.

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1997 OCTOBER 28
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 87-309

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 467 CHARLTON AVENUE EAST

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-309 on the 10th day of November 1987 to change the zoning from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District the land comprised in Block "2", the extent and boundaries of which Block "2" are shown on a plan thereto annexed as Schedule "A" and to establish special requirements under Section 19B of By-law No. 6593, applicable to the lands comprised in Blocks "1", "2" and "3", the extent and boundaries of each of which Blocks "1", "2" and "3" are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Section of the 16th Report of the Planning and Development Committee at its meeting held on the 28th day of October 1997, recommended that By-law No. 87-309 be amended to delete the special requirements applicable to Blocks "1", "2" and "3", the extent and boundaries of each of which Blocks "1", "2" and "3" are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 87-309, passed on November 10, 1987, is hereby amended by deleting Sections 2., 3., 4. and 5. in their entirety.
2. In all other respects, By-law No. 87-309, is hereby confirmed, unchanged.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997.

CITY CLERK

MAYOR

(1997) 16 R.P.D.C. , October 28
City Initiative 97-E

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO.

787 - 791 BARTON STREET EAST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

165. Land located at Municipal No. 787-791 Barton Street East, shown on Appendix 165 hereto annexed and forming part of this by-law.

2. Appendix 165 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

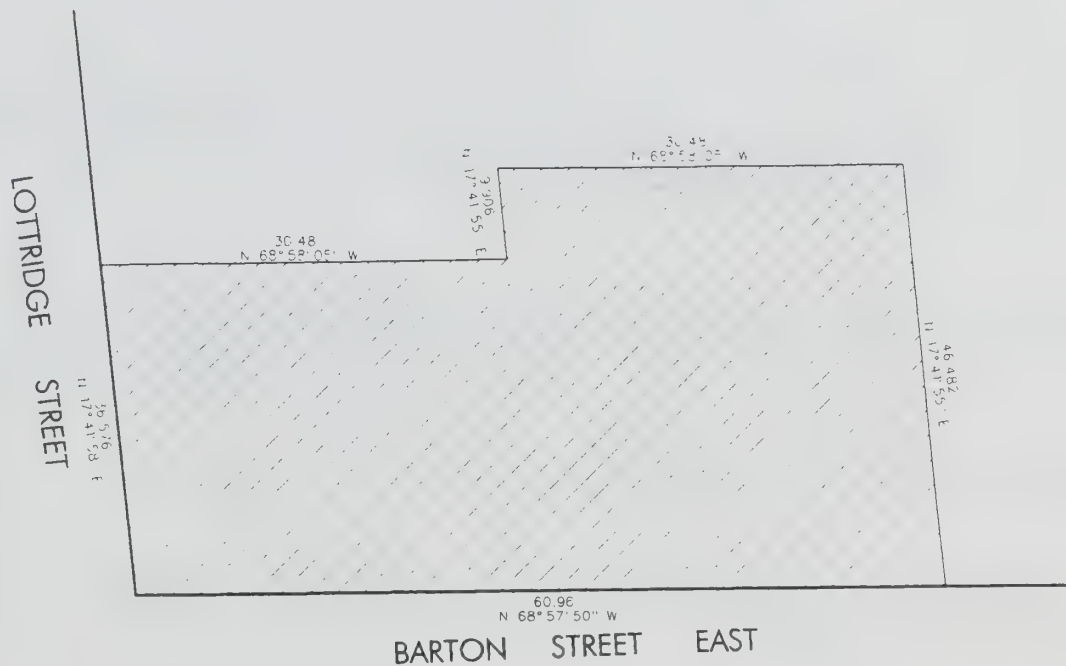
PASSED this

day of

A.D. 1997

CITY CLERK

MAYOR



NOTE: All dimensions are in metres

This is Appendix 165 to By-Law No. 97-.....
Passed the day of, 1997.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 165

to By-Law No. 79-275
as Amended By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date
SEPT. 1997

Reference File No.
A-97-215

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 143

Respecting:

**LANDS LOCATED AT 220 DUNDURN STREET SOUTH
WITHIN THE KIRKENDALL NORTH NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 143 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1997

CITY CLERK

MAYOR

(1997) 16 R.P.D.C. 10, October 28
Alexander Street Lofts Development Corporation, Prospective Owner
ZAC-97-26/220 Dundurn St. S.

Amendment No. 143

to the

City of Hamilton Official Plan

The following text, together with Schedule "A" - Land Use Schedule of the Official Plan, attached hereto, constitute Official Plan Amendment No. 143.

Purpose:

The purpose of this Amendment is to redesignate a parcel of land from "Open Space" and "Major Institutional" to "Residential" to permit the conversion and expansion of the existing structure for 60 residential apartment units.

Location:

The lands affected by this Amendment are for the property known municipally as No. 220 Dundurn Street South, within the Kirkendall North Neighbourhood.

Basis:

The basis for permitting the conversion and expansion of the existing structure for the 60 residential apartment units, is as follows:

- 1) The proposed residential development will make use of an existing under-utilized structure;
- 2) The development will blend harmoniously with the existing streetscape and act as a complementary part of the neighbourhood; and,
- 3) The additional residential units will maximize the use of the existing municipal infrastructure, i.e., sewers, water, storm drainage.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised be re-designating the parcel of land known municipally as 220 Dundurn Street South from "Open Space" and "Major Institutional" to "Residential", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor



Hamilton Harbour

Lake Ontario

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT



The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

As Amended By Zoning By-law No. 91-143 and 97-139

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1468 - 1530 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-143 on the 30th day of July, 1991 to rezone Block 2 from "AA" (Agricultural) District to "G-1"-'H' (Designed Shopping Centre - Holding) District, Blocks 3 and 4 from "C" (Urban Protected Residential, etc.) District to "G-1"-'H' (Designed Shopping Centre - Holding) District, and Block 5 from "AA" (Agricultural) District to "G-1"-'H' (Designed Shopping Centre - Holding) District, and to establish special requirements with respect to Blocks 2 to 5, the extent and boundaries of each of which Blocks 2 to 5 are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-139 on the 24th day of June, 1997 to rezone Block 1 from "RT-20" (Townhouse-Maisonette) District to "G-1"-'H' (Designed Shopping Centre - Holding) District; Block 2 from "AA" (Agricultural) District to "G-1"-'H' (Designed Shopping Centre - Holding) District, Block 3 from "C" (Urban Protected Residential, etc.) District to "G-1"-'H' (Designed Shopping Centre - Holding) District, and Block 4 from "C" (Urban Protected Residential, etc.) District, modified, to "G-1"-'H' (Designed Shopping Centre - Holding) District, and to establish special requirements with respect to Blocks 1 to 4, the extent and boundaries of each of which Blocks 1 to 4 are shown on a plan thereto annexed as Schedule "B", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 2 of By-law No. 91-143 provides that upon the approval of a Site Plan for comprehensive development of Blocks 2 to 5, the 'H' symbol shall be removed by amendment to By-law No. 91-143;

AND WHEREAS Section 2 of By-law No. 97-139 provides that upon the completion of a storm water management study for Blocks 1 and 2 and approval of a Site Plan for comprehensive development of Blocks 1 to 4, the 'H' symbol shall be removed by amendment to By-law No. 97-139;

AND WHEREAS approval of a Site Plan as deemed necessary by the City has been received and the storm water management study has been completed.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

AND WHEREAS City Council in adopting Item 6 of the 16th Report of the Planning and Development Committee at its meeting held on the 28th day of October, 1997 directed that By-law No. 91-143 and 97-139 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 91-143, passed on the 30th day of July, 1991, to the "G-1"-'H' (Designed Shopping Centre, etc. - Holding) District designation of Blocks 2 to 5, the extent and boundaries of each of which Blocks 2 to 5 are shown on a plan annexed as Schedule "A" to By-law No. 91-143 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "G-1" (Designed Shopping Centre, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 2. of By-law No. 91-143.
2. The 'H' (Holding) symbol affixed by By-law No. 97-139, passed on the 24th day of June, 1997, to the "G-1"-'H' (Designed Shopping Centre, etc. - Holding) District designation of Blocks 1 to 4, the extent and boundaries of each of which Blocks "1" to "4" are shown on a plan annexed as Schedule "B" to By-law No. 97-139 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "G-1" (Designed Shopping Centre, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 2. of By-law No. 97-139.
3. Sheet No. W-9D of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 91-143 are further amended by changing from "G-1" - 'H' (Designed Shopping Centre, etc. - Holding) District to "G-1" (Designed Shopping Centre, etc.) District, the land, the extent and boundaries of each of which Blocks 2 to 5 are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.
4. Sheet No. W-9D of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 97-139 are further amended by changing from "G-1" - 'H' (Designed Shopping Centre, etc. - Holding) District to "G-1" (Designed Shopping Centre, etc.) District, the land, the extent and boundaries of each of which Blocks 1 to 4 are shown on a plan hereto annexed as Schedule "B" and forming part of this By-law.
5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-1" District provisions, subject to the special requirements referred to in section 2 of By-law No. 91-143 and section 2 of By-law No. 97-139.
6. By-law No. 6593, as amended by By-law No. 91-139, is further amended by adding this by-law to section 19B as Schedule S-1230a.
7. By-law No. 6593, as amended by By-law No. 97-143, is further amended by adding this by-law to section 19B as Schedule S-1382a.
8. Sheet No. W-9D of the District Maps, as amended by By-law No. 91-139, are amended by marking the lands referred to in section 1. of this by-law, S-1230a.
9. Sheet No. W-9D of the District Maps, as amended by By-law No. 97-143, are amended by marking the lands referred to in section 2. of this by-law, S-1382a.

10. In all other respects, By-law No. 91-143 and By-law No. 97-139 are hereby confirmed, unchanged.

PASSED this

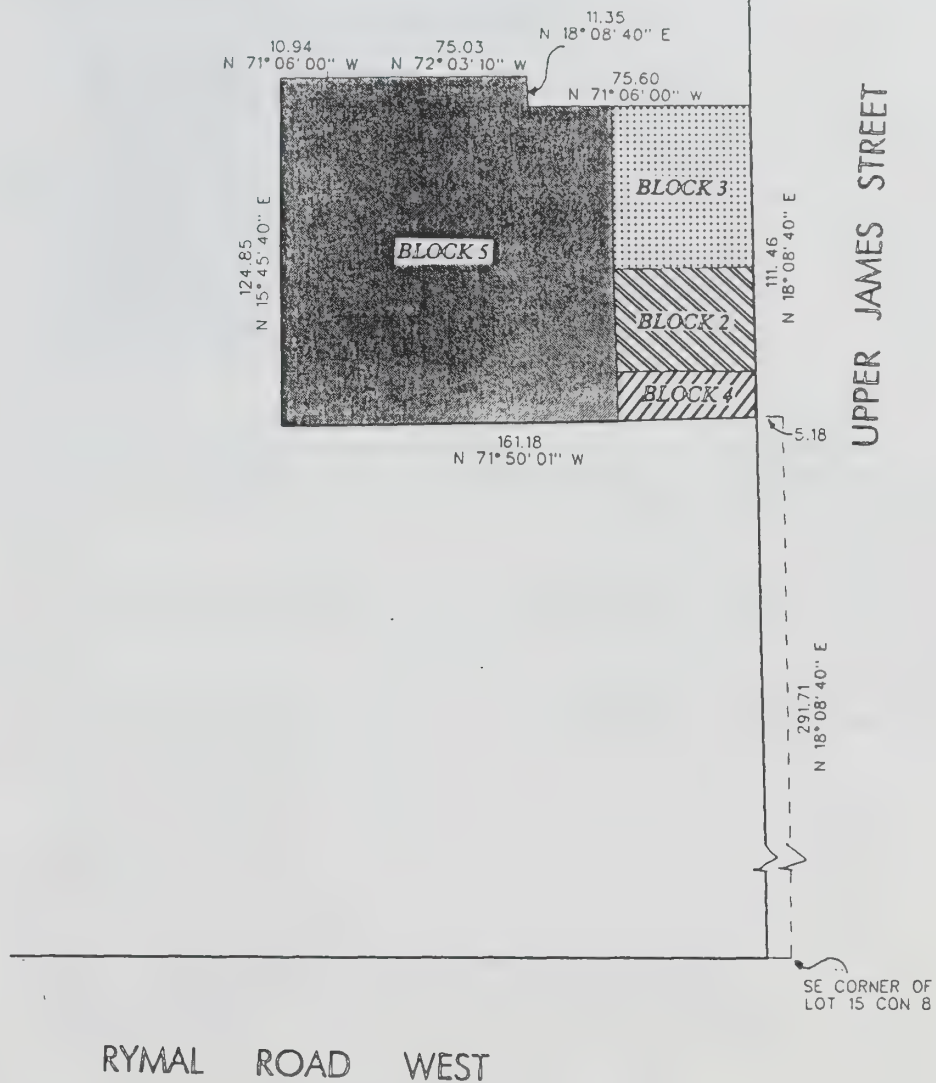
day of

A.D. 1997.

CITY CLERK

MAYOR

(1997) 16 R.P.D.C. 6, October 28
Rosland Properties, owner
ZAR-97-32



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the day of, 1997.

.....
Clerk

.....
Mayor

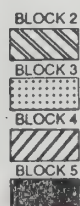
City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 97-.....

North

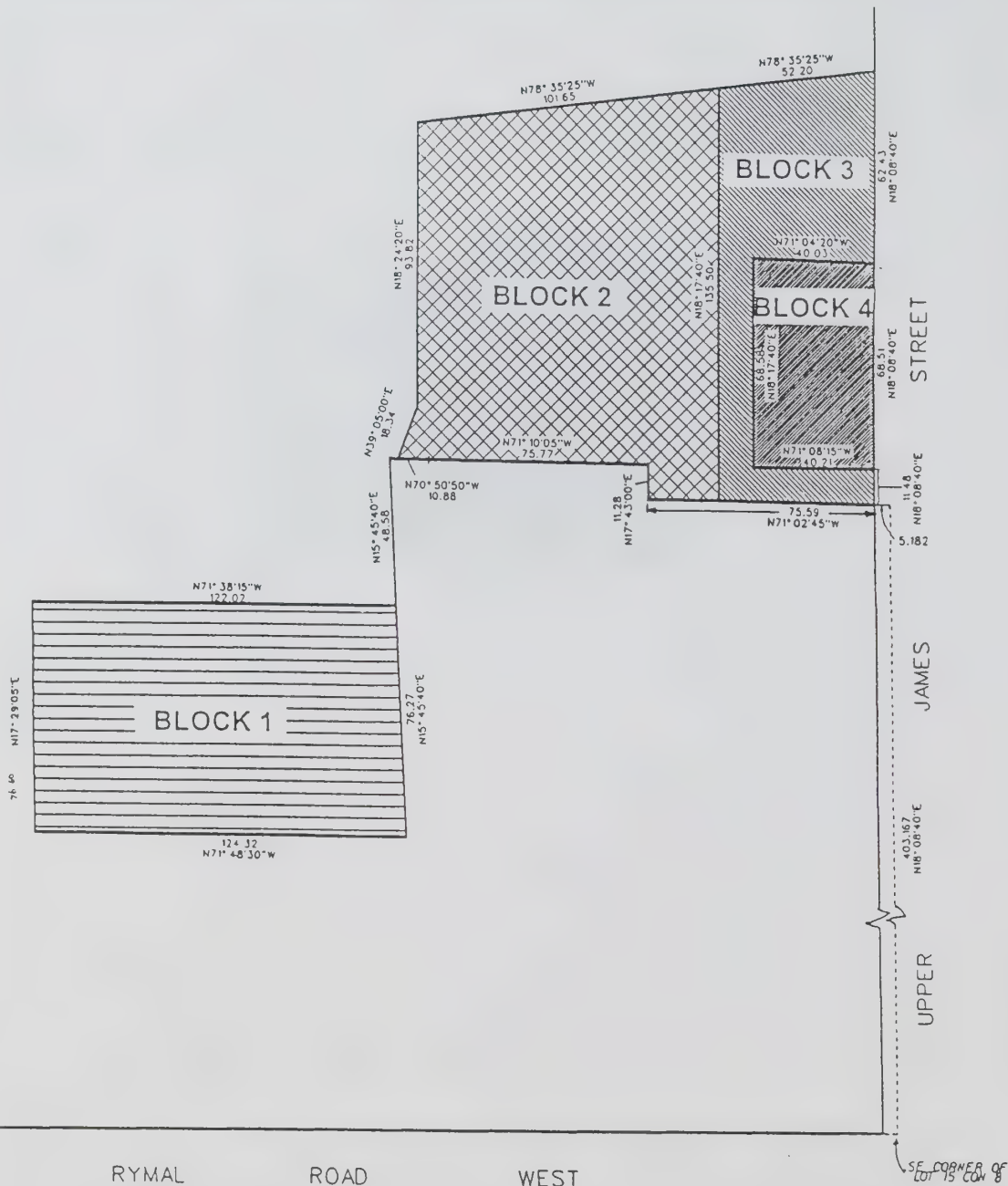


Scale
Not to Scale

Date
October 1997

Reference File No.
ZA89-22
ZA89-23

Drawn By
R.L.



NOTE: All dimensions are in metres

This is Schedule "B" to By-Law No. 97-.....
Passed the day of, 1997.

.....
Clerk

.....
Mayor

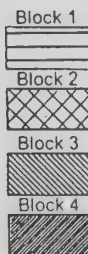
City of Hamilton

Schedule B

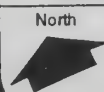
Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 97-.....



Scale
Not to Scale

Date
October 1997

Reference File No.
ZAC-97-08

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
87, 89, 91, 93 and 95 WELLINGTON STREET NORTH AND
NO. 216 WILSON STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-4 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "DE-2" (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10B.(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed four (4) storeys and 16.5 m in height;
- (b) Section 10B.(3)(i)(b) of Zoning By-law No. 6593, shall not apply to the subject lands;
- (c) notwithstanding Section 10B.(3) of Zoning By-law No. 6593, the following yards shall be provided and maintained:
 - (i) a side yard of a depth not less than 1.7 m shall be provided along the entire southerly boundary of the subject lands;
 - (ii) a rear yard of a depth not less than 3.0 m shall be provided along the entire westerly boundary of the subject lands;

- (d) notwithstanding Section 10B.(5) of Zoning By-law No. 6593, a maximum gross floor area of 1,384.0 m² (14,900 S.F.) and twelve (12) units shall be permitted on the subject lands;
- (e) notwithstanding Section 18A.(1) of Zoning By-law No. 6593, nine (9) parking spaces shall be provided and maintained on the subject lands;
- (f) notwithstanding Section 18A.(1)(c) of Zoning By-law No. 6593, one (1) loading space at 9.0 m x 3.0 m x 4.3 m shall be provided and maintained on the subject lands;
- (g) notwithstanding Section 18A.(7) of Zoning By-law No. 6593, only one (1) parking space at 2.7m x 5.7 m shall be provided and maintained on the subject lands;
- (h) notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of the parking area will be 1.35 m (4.5 feet) from the adjoining residential district boundary and 5.85 m (19.19 feet) from the northerly property line;
- (i) Section 18A.(12)(c) of Zoning By-law No. 6593, shall not apply to the subject lands;
- (j) Section 18A.(32) and (33) of Zoning By-law No. 6593, shall not apply to the subject lands.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1390.

5. Sheet No. E-4 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1390.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

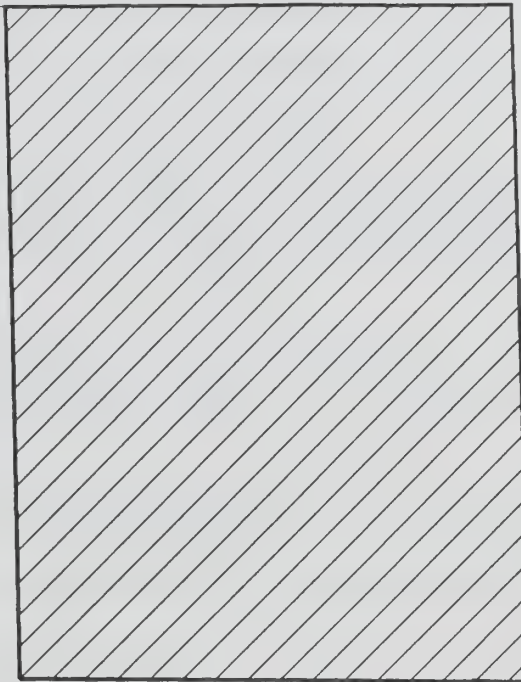
CITY CLERK

MAYOR

WILSON STREET

N 71° 37' 15" W 24.99

N 71° 00' 17" E 31.51



N 71° 00' 17" E 31.57

WELLINGTON STREET NORTH

N 71° 37' 15" W 24.99

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the day of, 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 97-_____

to Amend By-Law No. 6593

Planning and Development Department

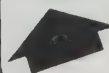
Legend

Change in Zoning from :



"L - mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District, Modified

North



Scale
NOT TO SCALE

Date
October 1997

Reference File No.

ZAC-97-06

Drawn By

B.B.

The Corporation of the City of Hamilton

BY-LAW NO. 97 -

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED SOUTH OF RYMAL ROAD WEST, NORTH OF THE CITY OF
HAMILTON/TOWNSHIP OF GLANBROOK MUNICIPAL BOUNDARY, WEST OF
UPPER WELLINGTON STREET AND EAST OF SPRINGSIDE DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

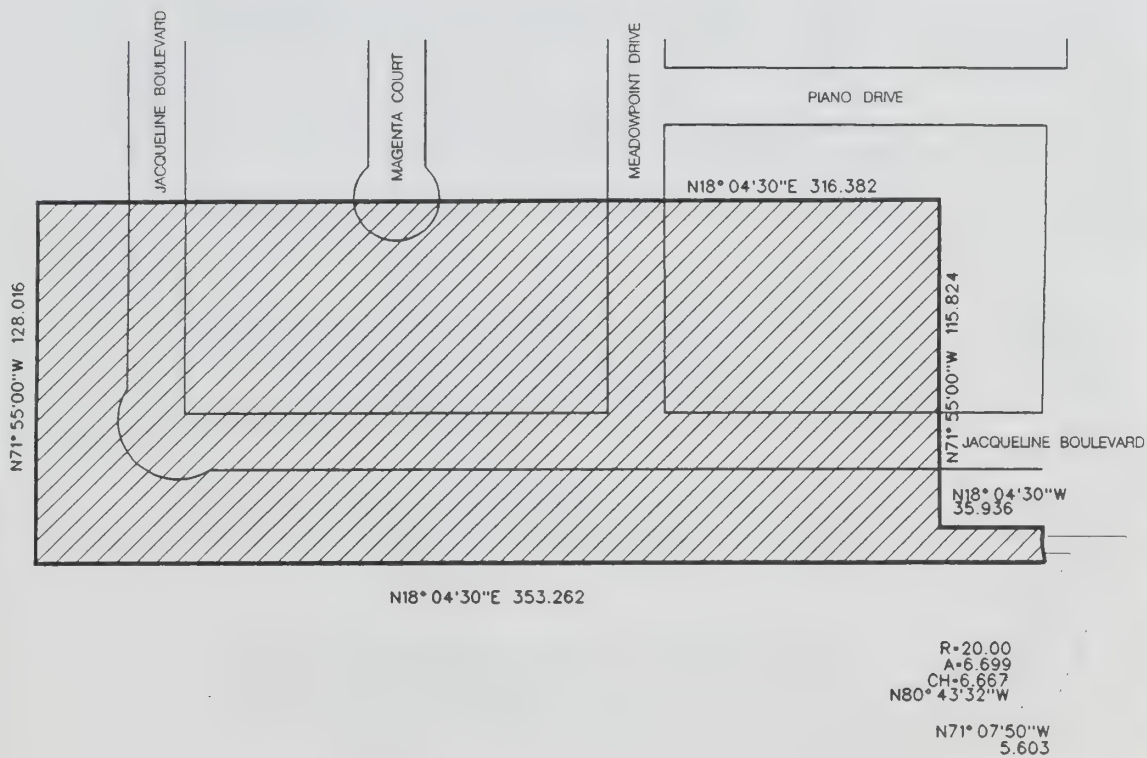
day of

A.D. 1997

CITY CLERK

MAYOR

•
(1997) 15 R.P.D.C. 3, October 14
839891 Ontario Inc., Owner
ZAC-97-29



NOTE All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the day of, 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 97-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning from:



*C" (Urban Protected Residential etc.) District to
*R-4 (Small Lot Single Family Dwelling) District



Scale
NOT TO SCALE
Date
October 1997

Reference File No
ZAC-97-29
Drawn By
B. B.

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28th DAY OF OCTOBER, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28th day of October 1997

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAYON HBL A05
A31
1997



URBAN MUNICIPAL

DEC 18 1997

GOVERNMENT DOCUMENTS

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Thursday, 1997 December 11

(immediately following the Committee
of the Whole Meeting)
Council Chambers\Room 233

J. J. Schatz, City Clerk

A G E N D A

1. Adoption of the minutes of the meetings held 1997 October 28, November 4, November 13, and December 4.
2. Presentation of petitions and correspondence by the Clerk.
3. Reference of Correspondence\Petitions by the Mayor.
4. Motion to move into Committee of the Whole on the Reports.
5. Consideration of Standing Committee Reports:
 - (a) Transport and Environment Committee (report to follow)
 - (b) Parks and Recreation Committee (report to follow)
 - (c) Planning and Development Committee (report to follow)
 - (d) Finance and Administration Committee (report to follow)
 - (e) Committee of the Whole (report to follow)
6. Motion to Adopt the Report of the Committee of the Whole.
7. Motion to appoint an Acting Mayor for the month of January, 1998.
8. Adjournment.

Mr. K. Roberts
Chief Executive Officer
Hamilton Public Library

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 October 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Rev. J. Mark Lewis, MacNab Street Presbyterian Church led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow acknowledged in attendance the following:

Hamilton Beautification Volunteer Committee headed by Chairman, Dale Chapman, and;
Volunteer Pink Trillium Judges and Red Trillium Selection Panel.

* * * * *

Mayor R. M. Morrow acknowledged the following for their participation as corporate partners
for funding the operating costs of the Hamilton Beautification Awards Program:

The Spectator, Union Gas, Landscape Ontario, Dofasco, Hamilton and District Flowers
Association.

* * * * *

Mayor R. M. Morrow presented the Commercial/Industrial Award to Dr. A. Solomon, 209 MacNab Street South.

* * * * *

Mayor R. M. Morrow presented the Pink Trillium Awards to:

Ward 1	212 Ewen Road - Regina Pakalniskis
Ward 2	9 Kingsway Drive - Frank & Penny Salvatori
Ward 3	21 Glendale North - Jenny Wiggins
Ward 4	779 Tate Avenue - Cherie & David McNight
Ward 5	192 Montmorency - Jan & Catherine Josko
Ward 6	26 Innswood Place - Dennis Facia & Sharon Hayes
Ward 7	78 Bishopsgate - Thomas & Violet Brunskill
Ward 8	27 West 28th Street - Fredric & Alberta Tyrrell

Mayor R. M. Morrow presented the Red Trillium Award to Regina Pakalniski, 212 Ewen Road, Ward 1.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Mohawk College for developing the "**The Enterprise Beginnings Program**".

Mayor R. M. Morrow presented a Certificate of Recognition to the following participants of the Enterprise Beginnings Program:

Elvidio Aldana	Suzanne Amer
Craig Armstrong	Jennifer Balshaw
Mike Cole	Karen Comeau
Greg Cooke	Paul Davies
Rose DelGobbo	David Ekins
Cynthia Fratton	Jeremy Kane
Aaron MacDonald	Karen Regan
William Romberg	Katherine Wigmore

ADOPTION OF MINUTES

The minutes of the meeting held 1997 October 14 were adopted as circulated.

CORRESPONDENCE

1. Application dated 1997 October 14 from Nicola and Rosalba Clarizio, 130 Fieldway Drive, Hamilton, Ontario for further modification to the "C" (Urban Protected Residential, etc.) District for 852 Upper Wentworth Street, Hamilton, Ontario.

Received.

2. Letter dated 1997 October 24 from Trudi Down, Chairman, Hamilton Public Library Board respecting library board governance.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Cops, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - TENTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - SIXTEENTH REPORT

Section 3 Re: Official Plan Amendment No. 145 - Chedoke Terrance Inc.-100 Beddoe Dr. - Conflict of Interest

Alderman D'Amico declared personal interest in and took part in the debate and refrained from voting on this matter as his employer owns the property in question.

* * * * *

Section 3 Re: Official Plan Amendment No. 145 - Chedoke Terrace Inc.-100 Beddoe Dr.

It was moved by Mayor Morrow and seconded by Alderman McCulloch that Section 3 of the Sixteenth Report for 1997 of the Planning and Development Committee respecting an Official Plan Amendment for lands at 100 Beddoe Drive be referred back.

Recorded vote.

YEAS: Mayor Morrow, Aldermen McCulloch, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, Ross. -11

NAYS: Aldermen Kiss, Caplan, Drury, Copps. -4.

CARRIED.

* * * * *

Section 4 (b) Re: Establish a McMaster University Area Neighbourhood Task Force

It was moved by Alderman Drury and seconded by Alderman Caplan that Section 4(b) of the Sixteenth Report for 1997 of the Planning and Development Committee be amended by adding the words "and the Fire Department" at the end of the paragraph.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-SECOND REPORT

Section 1 (a) Re: Medical Surveillance Programme - Hamilton Fire Department - Plastimet Fire

It was moved by Alderman Charters and seconded by Alderman Collins that Sub-section (a) of Section 1 of the Twenty-Second Report for 1997 of the Finance and Administration Committee be amended by deleting the word "impacted" in the third line. **CARRIED.**

* * * * *

Section 8 (a) Re: Provincial Bill 109 - Local Control of Public Libraries Act, 1997

It was moved by Alderman Wilson and seconded by Alderman Jackson that Sub-section (a) of Section 8 of the Twenty-Second Report for 1997 of the Finance and Administration Committee respecting the size of the new Library Board be amended to increase the total size to 9 members by increasing the number of appointed citizen members from five to seven. **CARRIED.**

* * * * *

Section 9 Re: PaRCIL Project

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. 15.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 16 Re: Dalton Timmis Group, Inc.

It was moved by Alderman Anderson and seconded by Alderman D'Amico that the following be added as Section 16 of the Twenty-Second Report for 1997 of the Finance and Administration Committee:

16. (a) That Dalton Timmis Group, Inc. be appointed as the City's Insurance Brokers of Record responsible for the City's complete insurance portfolio and related risk management services for a three year term from 1997 October 29 to 2000 October 29 (subject to annual review by the City Solicitor); and,
- (b) That the Mayor and City Clerk be authorized to execute the contract, satisfactory to the City Solicitor in respect of the broker appointment.
- (c) That all insurance policies expiring 1997 December 1 be extended to 1998 March 1 and that the City Solicitor be authorized to execute any required documents in this regard; and,
- (d) That Dalton Timmis Group, Inc. be authorized to initiate a remarket of the City's insurance portfolio upon specifications and deductibles set out by the City Solicitor for consideration by Council on or before 1998 March 1; and,
- (e) That the City Solicitor be authorized to obtain quotations for consideration by Council of Public Official's Liability Insurance for consideration on or before 1998 March 1.

CARRIED.

<p>RESOLUTIONS</p>

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of the following resolutions:

- (a) Permit Parking Regulation on the west side of East 24th Street.
- (b) Removal of the "No Parking" Regulation on the west side of Locke Street South.
- (c) Amendment to the Staff Complement of Streets District 7 of the Public works and Traffic Department.
- (d) Four-Way Stop Control at the intersection of Moxley and Gatineau Drives.
- (e) Snow Removal Purchase Orders.

- (f) Encroachment Agreement between the City and F. Urekar.
- (g) Three-way Stop Control at the intersection of Rushdale Drive and Charing Drive.
- (h) Adoption of the Bills. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

- "(a) That a "Permit Parking" regulation be implemented on the west side of East 24th Street commencing at a point 355 feet south of Crockett Street and extending to a point 21 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Jenny Lewis, No. 90 East 24th Street."
- CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That the existing "No Parking" regulation on the west side of Locke Street South commencing 119 feet north of Charlton Avenue West and extending to a point 27 feet northerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly."

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That effective 1997 November 1, the staff complement of Streets District 7 of the Public Works and Traffic Department be adjusted as follows:

Delete Foreman II 1 FTE

Add Foreman I 1 FTE"

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That four-way stop control be implemented at the intersection of Moxley Drive and Gatineau Drive and that the City Traffic By-law No. 89-72 be amended accordingly." **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That purchase orders be issued to 2000 April 30, for the rental of labour and equipment for snow removal, in accordance with the specifications issued by the Purchasing Division and Vendor's tenders, detailed in the Appendix "A" attached hereto, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999." **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That the application of F. Urekar, owner of No. 814 Mohawk Road East, to establish and maintain a decorative brick wall measuring 3.65m x 19.20m, onto the road allowance of Currie Avenue, be approved, subject to the following:

- (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
- (c) That the applicant pay a first year fee \$184 and a subsequent annual fee of \$20."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Cops, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Charters. -1.

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That three-way stop control be implemented at the intersection of Rushdale Drive and Charing Drive and that the City Traffic By-law No. 89-72 be amended accordingly."

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Collins that

"That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (i) A-74 A By-law to Amend City Traffic By-law No. 89-72 to Regulate Traffic
- (ii) A-75 A By-law to Amend City Traffic By-law No. 89-72 to Regulate Traffic
- (iii) A-76 A By-law to Amend City Traffic By-law No. 89-72 to Regulate Traffic
- (iv) A-77 A By-law to Amend City Traffic By-law No. 89-72 to Regulate Traffic

CARRIED.

NOTICE OF MOTION

Re: Downtown Development Co-ordinator

Motion put September 30, 1997

Postponed October 14, 1997

It was moved by Mayor Morrow and seconded by Alderman Wilson:

That the City of Hamilton and the Regional Municipality of Hamilton-Wentworth jointly hire a Downtown Development Co-ordinator, on a contract basis, to bring development to the downtown, co-ordinate projects already in existence, and work with all parties concerned.

CARRIED.

ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman B. Charters be appointed as Acting Mayor for the month of November, 1997. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

City Council then adjourned at 9:10 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 October 28
JJS/dg

Committee of the Whole\Hamilton City Council
Tuesday, 1997 November 4
6:50 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Acting Mayor Charters
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Collins, Merling,
Anderson.

Absent: Mayor R. M. Morrow - civic business
Alderman D. Drury - civic business
Alderman D. Wilson - civic business
Alderman F. Eisenberger - civic business
Alderman T. Jackson - civic business
Alderman F. D'Amico - civic business
Alderman D. Ross - civic business

Acting Mayor Charters called the meeting to order.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Anderson that the Report of the Transport and Environment Committee be considered in Committee of the Whole with Acting Mayor Charters in the chair.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli,
Copps, Collins, Merling, Anderson. -10.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

It was moved by Alderman Merling and seconded by Alderman Anderson that the Report of the Committee of the Whole on the Report of the Transport and Environment Committee be adopted.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Collins, Merling, Anderson. -10.

NAYS: -0.

CARRIED.

City Council then adjourned at 7:00 o'clock p.m.

Taken as read and approved.

ACTING MAYOR B. CHARTERS

J. J. Schatz
1997 November 4

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1997 and respectfully recommends:

1. (a) (i) That on-street parking meters not be operated after 6:00 p.m. on Thursday and Friday evenings in the downtown area (bounded by Bay Street, Wellington Street, York Boulevard/Wilson Street and Jackson Street); and,
 - (ii) That the \$6,000 Parking Authority revenue loss from the parking meters be offset from any surplus in the Public Works and Traffic Department accounts at the end of the year; and,
 - (iii) That the annual amount of \$30,000 to \$40,000 in revenue loss from the parking meters be incorporated in the 1998 Current Budget for the Parking Authority; and,
 - (iv) That the annual amount of \$30,000 to \$40,000 shortfall in parking enforcement revenues be addressed in the 1998 Current Budget process by way of an expansion package; and,
 - (b) That consideration be given during the 1998 budget process to not operate on-street parking meters after 6:00 p.m. on Thursday and Friday evenings for the remainder of the City at a cost of \$350,000 to \$400,000 including lost enforcement revenues; and,
 - (c) That staff be directed to further investigate and report back on the feasibility of having a uniform two hour parking time limit at all on-street parking meters in the downtown area.
-
2. That the existing full time "One Hour Parking Time Limit" regulation on the east side of Skylark Drive between Limeridge Road East and the extended south curb line of Pheasant Place be revised, such that the regulation commences at Limeridge and extends to a point 324 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

3. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-78 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic
 - (b) A-79 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1997 November 4

Committee of the Whole\Hamilton City Council
Thursday, 1997 November 13
10:30 o'clock a.m.
Room 233, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Caplan, Agro, McCulloch, Wilson, Eisenberger, Collins, Merling,
D'Amico, Ross.

Absent: Alderman M. Kiss
Alderman D. Drury
Alderman B. Morelli
Alderman G. Copps
Alderman B. Charters
Alderman T. Jackson
Alderman T. Anderson

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Wilson and seconded by Alderman Collins that the Report of the Committee of the Whole, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, Wilson, Eisenberger, Collins,
Merling, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - FOURTEENTH REPORT
Demolition Permits

It was moved by Alderman Wilson and seconded by Alderman Collins that the Report of the Committee of the Whole on the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, Wilson, Eisenberger, Collins, Merling, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

City Council then adjourned at 11:45 o'clock.

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell,
Acting City Clerk
1997 November 13

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **FOURTEENTH** Report for 1997 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for 780 Stone Church Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
2. That the Building Commissioner be authorized to issue a demolition permit for 131 Birmingham Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
3. That the Building Commissioner be authorized to issue a demolition permit for 70 Emerald Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
4. That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 87 - 95 Wellington Street North. in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
5. That the Building Commissioner be authorized to deny a demolition permit for 184 Lottridge Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
6. That the following Bill be adopted, signed and sealed and enrolled as a By-law:

E-12 A By-law to Confirm the Proceedings of The Council of The Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR ROBERT M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

S. G. Hollowell, Acting Secretary
1997 November 13

Inaugural Meeting of Hamilton City Council
1997 December 4
7:00 o'clock p.m.
Council Chamber, City Hall

The City Clerk called the meeting to order.

Present: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan.

Father David Wilhelm of Cathedral of Christ the King gave the invocation.

* * * * *

Joseph J. Schatz, Clerk of the Corporation of the City of Hamilton in the Region of Hamilton-Wentworth, declare the following candiates elected as a result of the Municipal Election held 1997 November 10.

OFFICE	ELECTED CANDIDATE
MAYOR:	Bob Morrow
ALDERMEN:	
Ward 1	Mary Kiss Marvin Caplan
Ward 2	Andrea Horwath Ron Corsini
Ward 3	Bernie Morelli Dennis Haining
Ward 4	Dave Wilson Gerry Copps
Ward 5	Chad Collins Fred Eisenberger
Ward 6	Tom Jackson Bob Charters

Ward 7 Terry Anderson
 Bill Kelly

Ward 8 Frank D'Amico
 Duke O'Sullivan

* * * * *

His Worship Mayor Robert M. Morrow subscribed to the Declaration of Office and the Oath of Allegiance before the Honourable Lincoln M. Alexander.

Following the Declaration of Office and Oath of Allegiance, the Clerk turned the proceedings over to His Worship Mayor R. M. Morrow.

The Honourable Lincoln M. Alexander administered the Declaration of Office and the Oath of Allegiance to each Member of City Council.

* * * * *

A musical presentation was performed by the Hamilton City Wide Choir.

* * * * *

A reading by Rabbi Gary Karlin, Beth Jacob Synagogue was given.

* * * * *

His Worship Mayor Robert M. Morrow addressed Council, Members of the Clergy and Special Guests followed by a Musical Presentation performed by Symphony Hamilton.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the First Report of the Nominating Committee with Mayor Morrow in the chair.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

NOMINATING COMMITTEE - FIRST REPORT

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the First Report of the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0. **CARRIED.**

RESOLUTION - ACTING MAYOR FOR THE MONTH OF DECEMBER, 1997

It was moved by Alderman Caplan and seconded by Alderman Horwath that Alderman Mary Kiss be appointed Acting Mayor for the month of December, 1997. **CARRIED.**

* * * * *

Bishop Ralph Spence, Anglican Diocese of Niagara gave the closing prayer.

* * * * *

City Council then adjourned at 8:25 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz
City Clerk

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **FIRST** Report and respectfully recommends:

1. Approval of the following appointments, for the 1997-2000 Term of City Council (except where otherwise noted):

(a) **Transport and Environment Committee**

Alderman C. Collins, Chairperson
Alderman D. Wilson, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Kiss
Alderman A. Horwath
Alderman B. Morelli
Alderman T. Jackson
Alderman T. Anderson
Alderman F. D'Amico

(b) **Parks and Recreation Committee**

Alderman B. Morelli, Chairperson
Alderman M. Kiss, Vice-Chairperson
Mayor R. M. Morrow
Alderman R. Corsini
Alderman G. Copps
Alderman F. Eisenberger
Alderman T. Anderson
Alderman T. Jackson
Alderman D. O'Sullivan

(c) **Planning and Development Committee**

Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

(d) **Finance and Administration Committee**

Alderman D. Wilson, Chairperson
Alderman D. O'Sullivan, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman A. Horwath
Alderman D. Haining
Alderman C. Collins
Alderman B. Charters
Alderman B. Kelly

(e) **Hamilton-Scourge Steering Committee**

Alderman F. D'Amico, Chairperson
Alderman M. Caplan, Vice-Chairperson
Mayor R. M. Morrow
Alderman R. Corsini
Alderman B. Morelli
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman T. Anderson

(f) **Hamilton Entertainment and Convention Facilities Inc.**

Mayor R. M. Morrow
Alderman R. Corsini
Alderman B. Charters
Alderman T. Anderson
Alderman B. Kelly

(g) **City of Hamilton Licensing Committee**

Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly

(h) **Hamilton Public Library Board**

Alderman D. Wilson
Alderman T. Jackson

- (i) **Committee of Adjustment**
(Term of Office to expire 1998 December 4)

Alderman D. Haining
Alderman B. Charters
- (j) **Parking Authority for the City of Hamilton**

Mayor R. M. Morrow
Alderman A. Horwath
Alderman F. D'Amico
- (k) **Canadian Football Hall of Fame and Museum Management Committee**

Alderman C. Collins
Alderman T. Anderson
Alderman D. O'Sullivan
- (l) **Hamilton Region Conservation Authority**
(Nominated for Appointment by Regional Council)

Alderman M. Kiss
Alderman D. Wilson
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman D. O'Sullivan
- (m) **Hamilton Mundialization Committee**

Alderman M. Caplan
- (n) **Art Gallery of Hamilton Board of Directors**

Alderman F. Eisenberger
- (o) **Hamilton and Region Arts Council Board of Directors**

Mayor R. M. Morrow
- (p) **Hamilton Safety Council**

Alderman F. D'Amico

- (q) **Hamilton Society For the Prevention of Cruelty to Animals**

Alderman T. Jackson

- (r) **Symphony Hamilton Board of Directors**

Mayor R. M. Morrow

- (s) **Senior Citizens Council**

Alderman B. Morelli

Alderman T. Jackson

- (t) **Theatre Aquarius Board of Directors**

Alderman T. Anderson

- (u) **Barton Street Business Improvement Area**

Alderman B. Morelli

Alderman D. Haining

- (v) **Concession Street Business Improvement Area**

Alderman T. Anderson

Alderman B. Kelly

- (w) **Downtown Hamilton Business Improvement Area**

Alderman A. Horwath

Alderman R. Corsini

- (x) **International Village Business Improvement Area**

Alderman A. Horwath

Alderman R. Corsini

- (y) **Main Street West Esplanade Business Improvement Area**

Alderman M. Kiss

Alderman M. Caplan

(z) **Ottawa Street Business Improvement Area**

Alderman B. Morelli
Alderman D. Haining
Alderman D. Wilson
Alderman G. Copps

(aa) **Westdale Village Business Improvement Area**

Alderman M. Kiss
Alderman M. Caplan

(bb) **Hamilton-Wentworth Council on Smoking and Health**

Alderman M. Caplan

(cc) **Court of Revision**

Alderman A. Horwath
Alderman D. Haining
Alderman B. Kelly
Alderman F. D'Amico
Alderman D. O'Sullivan

(dd) **Large Urban Section Executive of the Association of
Municipalities of Ontario**

Mayor R. M. Morrow

(ee) **Selection Committee**
(Term of Office to expire 1998 December 4)

Alderman C. Collins, Chairperson
Alderman A. Horwath, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman F. Eisenberger
Alderman T. Jackson
Alderman F. D'Amico

- (ff) **Hamilton Health Sciences Corporation**
(Nominated for the 1997 - 1998 Term of Office)
- Alderman M. Caplan
Alderman B. Kelly
Alderman F. D'Amico
- (gg) **Hamilton Health Sciences Corporation's Nominating and Governance Committee**
(Nominated for the 1997 - 1998 Term of Office)
- Alderman F. D'Amico
- (hh) **Bingo Hall Review Committee**
- Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly
- (ii) **Mayor's Committee Against Racism and Discrimination**
- Mayor R. M. Morrow
Alderman M. Caplan
Alderman A. Horwath
- (jj) **Municipal Non Profit (Hamilton) Housing Corporation/Hamilton Housing Company Limited**
- Mayor R. M. Morrow
Alderman A. Horwath
Alderman D. Haining
Alderman D. Wilson
Alderman B. Charters
Alderman B. Kelly
- (kk) **Site Plan Committee for the Hamilton Harbour Commission**
- Alderman C. Collins

(ll) **Committee to Discuss City's Position respecting Port of Hamilton Planning Matters - Minutes of Settlement and Draft OMB Orders**

Mayor R. M. Morrow
Alderman C. Collins
Alderman B. Charters

(mm) **Hamilton Hydro-Electric Commission**

Mayor R. M. Morrow

(nn) **Downtown Partnership**

Mayor R. M. Morrow
Alderman B. Charters

2. That the following Bill be adopted, signed and sealed and enrolled as a By-law:

E-01: A By-law to Confirm the Proceedings of The Council of the Corporation of The City of Hamilton.

Respectfully Submitted

**Mayor R. M. Morrow
Chairman
Nominating Committee**

J. J. Schatz, Secretary

C O R R E S P O N D E N C E

Correspondence:

1. Letter dated 1997 December 1 from Donna Clark, David Masney, Raymond & Karen Barrett, Charles & Athena Lee, and Freda & Seymour Rosenfeld, residents of Queen Street South, Re: Opposition to proposed residential care facility at 366 Queen Street South.

Recommendation: **Be Referred to the Planning and Development Committee.**

2. Letter dated 1997 November 18 from R. Scott Smith, Secretary, Hamilton Harbour Commissioners, Re: Memorandum of Agreement.

Recommendation: **Be Referred to the Finance and Administration Committee.**

3. Letter dated 1997 December 3 from W. A. Thomas, General Manager, Hydro-Electric Commission of the City of Hamilton, Re: Zero average increase for the year 1998.

Recommendation: **Be Received.**

4. Application dated 1997 October 24 from the Region of Hamilton-Wentworth, Corporate Legal Services Group, 1 James Street South, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for 1126 Garth Street, Hamilton, Ontario.

Recommendation: **Be Received.**

5. Application dated 1997 October 28 from T. D. C. General Homes, 124 Second Road East, Stoney Creek, Ontario, for removal of the "H" Holding Provision for lands at 120 Ferrie Street, Hamilton, Ontario.

Recommendation: **Be Received.**

6. Application dated 1997 November 14 from Sisters of St. John The Baptist, 329 Mohawk Road West, Hamilton, Ontario, for further modification to the "C" (Urban Protected Residential, etc.) District, 329 Mohawk Road West, Hamilton, Ontario.

Recommendation: **Be Received.**

7. Application dated 1997 December 5 from Doug Leggatt, Little Three Ontario Ltd., 2207 Fairview Street, Burlington, Ontario, for an Official Plan Amendment to Redesignate the subject lands from "Residential" to "Commercial" and for a change of zoning from "AA" - (Agricultural) and "C" - (Urban Protected Residential, etc.) to "HH" - (Restricted Community Shopping and Commercial, etc.) District for 75 Rymal Road East, Hamilton, Ontario, to permit automobile sales, leasing and related uses.

Recommendation: Be Received.

8. Application dated 1997 December 5 from Silvia Costabile, 73 Kennedy Avenue, Hamilton, Ontario, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District modified for 73 Kennedy Avenue, Hamilton, Ontario.

Recommendation: Be Received.

9. Application dated 1997 December 5 from Hampshire Properties, c/o The Effort Trust Company, 242 Main Street East, Hamilton, Ontario, for a change in zoning from "CR-1" - (Commercial - Residential) District to "HH" - (Restricted Community Shopping & Commercial, etc.) District modified for lands located at 1317 Upper James Street, Hamilton, Ontario.

Recommendation: Be Received.

December 1, 1997

Mr. Joe Schatz
City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mr. Schatz:

It has come to our attention that the residence at 366 Queen Street South has been sold to Anna Green, who intends to use the house as a residential care facility. We would like it to go on record that we the undersigned are opposed to this business venture.

We currently live in a residential area of families and the introduction of any care facility would be inappropriate in our neighbourhood. This would particularly be the case if such a facility were for residents such as psychiatric or geriatric patients, young people with emotional difficulties or those in trouble with the criminal justice system.

Needless to say, we are very proud of our homes and have put in a lot of time, money and energy to making them enhance our neighbourhood. We feel that a residential facility would have a very negative impact on our property values and are extremely anxious about this.

It should also be recognized that the residence at 366 Queen Street has not been used as a day nursery for at least the past fifteen years, contrary to the information cited in the Certificate of Zoning Verification Property Report.

When residential care facilities are proposed, the community affected should be consulted and their concerns heard. To date, the families in the neighbourhood have not been consulted. We feel that we should be consulted. Moreover, we would hope that any problems with residential care facilities owned by Anna Green be investigated and taken into account when reviewing Ms. Green's current application.

We would greatly appreciate your consideration of our strong opposition to the proposed residential care facility at 366 Queen Street South.

Please see our signature below.

- Donna Clark 364 Queen St. South
I am in agreement of the above letter
(905) 527-1944.

- DAVID MASNEY 364-A QUEEN ST. S.
I AM IN AGREEMENT OF THE ABOVE
LETTER. (905) 777-9327.

- RAYMOND ; KAREN BARRETT
360 QUEEN ST SOUTH
WE ARE IN TOTAL AGREEMENT
WITH THE ABOVE *RB Barrett*

- Charles & Athena Lee
369 Queen St South.
905-529-6591
We are in agreement of the above
letter. *Q. Jung Lee*

Shirley and Seymour Rosenfeld
370 Queen St. South
We are in total agreement with the above
letter. (905) 525-6735

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



November 18, 1997

The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

2.

Attn: Mr. J.J. Schatz
City Clerk

Dear Mr. Schatz;

RE: MEMORANDUM OF AGREEMENT, SEPTEMBER 29, 1997

Please be advised that the Hamilton Harbour Commissioners, at its meeting of November 18, 1997, passed the following resolution:

BE IT RESOLVED;

THAT the Board of Commissioners ratify the said Memorandum of Agreement on the basis of the following:

1. The limits of Waterlots 1, 2 and 4 are as shown on the map appended hereto as Schedule "A".
2. All legal, survey and transaction costs being paid by the City.
3. The transfer being subject to existing private waterlots and covenants on title, including the City obtaining the release of any riparian rights.
4. The waterlots being independently evaluated and the market value being recorded in the accounts of both parties as an equivalent dollar grant from the H.H.C. , or its successor, to the City.
5. The waterlots not being filled, or developed for commercial purposes, without the consent of the H.H.C. or its successor.

6. The City granting to the H.H.C., or its successor, a right of first refusal to purchase all or any part of the waterlots at market value should the City at any time wish to dispose of the waterlots or any part thereof.

AND THAT in order to satisfy the Commissioners' concern with respect to the issue of indemnification, the transfer will be made for the following consideration:

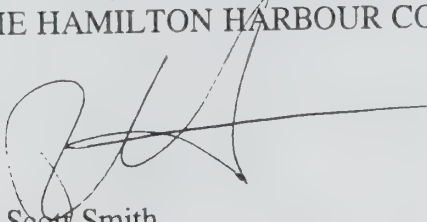
1. The said transfer is full and final compensation for any and all rights, privileges, payments and entitlements flowing to the City from the Hamilton Harbour Commissioners' Act (1912), as amended.
2. The City acknowledge that the lands of the H.H.C. will continue to be tax exempt (unless leased out) following the continuance of the H.H.C. as a H.P.A.
3. The City will proceed in co-operation with the H.H.C., or its successor, to expeditiously resolve any outstanding planning matters.
4. A right-of-way for a perimeter road being identified and dedicated by the City. A public waterfront trail and fish habitat restoration work will be incorporated into the shoreline development. The construction of the perimeter road will commence in concert with the development of the waterlots.
5. A moratorium being obtained from the Minister of Transport on the stipend payable under the Canada Marine Act to the full value of the H.H.C. grant to the City in addition to any other moratorium or phase-in being granted as a matter of course, generally, to other Canada Port Authorities, all to be set out in the letters patent.

AND THAT the Commissioners are prepared to meet with the City of Hamilton for the purposes of further discussion and clarification.

CARRIED

We look forward to hearing from you with respect to further discussions.

Yours Truly,
THE HAMILTON HARBOUR COMMISSIONERS

A handwritten signature in black ink, appearing to be 'R. Scott Smith', with a long horizontal stroke extending to the right.

R. Scott Smith
Secretary to the Board of Commissioners

cc. Mayor R.M. Morrow

Schedule "R"
 NOV 18, 1997



W. A. THOMAS, B. Sc., P. ENG.,
GENERAL MANAGER
TELEPHONE (905) 522-6611
FAX (905) 522-6570



M. G. KWINT, B. ENG., P. ENG.
A.G.M. ADMINISTRATION
D. R. MARSALES, B. Sc., P. ENG.
A.G.M. CHIEF ENGINEER
D. D. CUMMINGS
SECRETARY TREASURER

HAMILTON HYDRO-ELECTRIC SYSTEM

55 JOHN ST. N. PO. BOX 2249 STN LCD1, HAMILTON ON L8N 3E4

December 3rd, 1997

3.

The Council of the Corporation
of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

ATTN: Mr. J. J. Schatz, City Clerk

Dear Members of Council:

Ontario Hydro has committed itself to hold to a zero average increase in the wholesale cost of power to our utility for the year 1998.

At Hamilton Hydro, both our Capital and Operating budgets have been kept at a responsible level.

As a result, we will not be seeking Ontario Hydro approval for any increase in the general retail rates charged to our customers for electrical consumption in 1998.

It should be noted that rates have been frozen or reduced since 1994.

I have enclosed a copy of Hamilton Hydro's reaction to the Government's White Paper on Electrical Industry Reform. If you have any questions, please call either myself or D. R. Marsales.

Yours truly

W. A. Thomas, P.Eng.
General Manager
Hydro-Electric Commission
of the City of Hamilton

WAT*Ik
Encl.



HAMILTON HYDRO-ELECTRIC SYSTEM

55 JOHN ST N, PO BOX 2249 STN LCD1, HAMILTON ON L8N 3E4

WHITE PAPER TO PROVIDE ELECTRICITY INDUSTRY REFORMS

Hamilton Hydro has reacted favorably to a White Paper for electricity industry reform, released last week by the Ontario Government. The paper, entitled "Direction for Change, Charting a Course for Competitive Electricity and Jobs in Ontario", announces sweeping changes to introduce full competition to the industry, by the year 2000.

For some time, we have advocated separation of generation and transmission, rationalization in our own distribution sector, and the introduction of full wholesale and retail access. We are very pleased that the government has acted with a plan to move carefully but quickly on these issues. The government plans to give us access to many new sources of generation, while holding Ontario Hydro generation together as a single entity, able to compete in the rapidly de-regulating North American market. We agree with this approach.

We endorse the direction of this paper, but we are still assessing the full impact of this report on our business, and our customers. Many, many changes are outlined in this plan. We will have to get clarification, for instance, on the issues of dividends and new stranded debt payment obligations on utilities. We also have concerns that Ontario Hydro's successor transmission company would continue to provide retail distribution. There are some potential conflicts in this.

One of the government's first orders of business now, is the establishment of a Market Design Committee. This committee is to assist in the development of rules for the new electricity market and to report to the government in Spring 1998. We fully intend to stay involved in refining the details of this move towards a competitive market. Recommendations of this Market Design Committee will be vitally important as the government undertakes the drafting of the legislation, expected in Fall 1998, to bring these changes into effect.

REPORTS

**TRANSPORT & ENVIRONMENT
COMMITTEE**

(Report to follow)

P A R K S & R E C R E A T I O N
C O M M I T T E E

(Report to follow)

P L A N N I N G & D E V E L O P M E N T
C O M M I T T E E

(Report to follow)

**FINANCE & ADMINISTRATION
COMMITTEE**

(Report to follow)

C O M M I T T E E O F T H E W H O L E

(Report to follow)



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